

EXHIBIT

58

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4 IN RE NATIONAL PRESCRIPTION \$
 OPIATE LITIGATION \$
 \$
5 THIS DOCUMENT RELATES TO: \$ MDL No. 2804
 \$ Case No, 17-md-2804
 \$
6 Track Nine: \$ Judge Dan Aaron Polster
 Tarrant County, Texas \$
7 (Case No. 1:18-op-45274-DAP) \$

8
 * * * * *
9 REMOTE VIDEOTAPED ORAL DEPOSITION OF
 JOHN PAUL BRIGGS
10 June 7, 2023

11 * * * * *
12 REMOTE VIDEOTAPED ORAL DEPOSITION OF JOHN PAUL BRIGGS,
13 produced as a witness and duly sworn, was taken in the
14 above-styled and numbered cause on June 7, 2023,
15 from 10:06 a.m. until 2:12 p.m., CDT, at the offices
16 of Veritext Legal Solutions located at 300
17 Throckmorton Street, Suite 1600, Fort Worth, TX
18 76102, with the witness present in person and some
19 attendees appearing remotely before Suzanne
20 Kelly, Certified Shorthand Reporter and Certified
21 Realtime Reporter, reported by stenographic method
22 pursuant to the Federal Rules of Civil Procedure and
23 the provisions stated on the record, if any.
24 Reported by: Suzanne Kelly, CSR, RDR, CRR
25 Job: MW 5925735

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFF:</p> <p>3 Alex Abston, Esq.</p> <p>4 -and-</p> <p>5 Leila Ayachi, Esq.</p> <p>6 THE LANIER LAW FIRM, P.C.</p> <p>7 10940 W. Sam Houston Pkwy N.</p> <p>8 Suite 100</p> <p>9 Houston, Texas 77064</p> <p>10 713.659.5200</p> <p>11 alex.abston@lanierlawfirm.com</p> <p>12 leila.ayachi@lanierlawfirm.com</p> <p>13</p> <p>14 FOR THE ALBERTSONS DEFENDANTS:</p> <p>15 Alexandra Bach Lagos, Esq.</p> <p>16 GREENBERG TRAURIG, L.L.P.</p> <p>17 333 SE 2nd Avenue</p> <p>18 Suite 4400</p> <p>19 Miami, Florida 33131</p> <p>20 305.579.0813</p> <p>21 alexandra.lagos@gtlaw.com</p> <p>22</p> <p>23 Kristina D. "Kristie" Daniels, Esq.</p> <p>24 GREENBERG TRAURIG, L.L.P.</p> <p>25 77 West Wacker Drive</p> <p>Suite 3100</p> <p>Chicago, Illinois 60601</p> <p>312.476.5005</p> <p>danielskr@gtlaw.com</p> <p>FOR THE KROGER DEFENDANTS:</p> <p>Kiley Aycock, Esq.</p> <p>QUILLING, SELANDER, LOWNDS, WINSLETT & MOSER, P.C.</p> <p>2001 Bryan Street</p> <p>Suite 1800</p> <p>Dallas, Texas 75201</p> <p>214.880.1809</p> <p>kaycock@qslwm.com</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2 PAGE</p> <p>3 Appearances..... 2</p> <p>4 JOHN PAUL BRIGGS</p> <p>5 Examination by Ms. Lagos..... 7</p> <p>6 Examination by Ms. Daniels..... 129</p> <p>7</p> <p>8 Reporter's Certificate 136</p> <p>9 Signature and Changes 139</p> <p>10 EXHIBITS</p> <p>11 NO. DESCRIPTION PAGE</p> <p>12</p> <p>13 Exhibit 1 A copy of the 44-page 87</p> <p>14 Investigator's Report,</p> <p>15 Bates labeled,</p> <p>16 TARRANT_00708616 through</p> <p>17 TARRANT_00708659</p> <p>18 Confidential</p> <p>19 Exhibit 2 A copy of a 45-page 111</p> <p>20 document entitled,</p> <p>21 "Tarrant County Medical</p> <p>22 Examiner District Annual</p> <p>23 Report 2021"</p> <p>24 Exhibit 3 A copy of a two-page 115</p> <p>25 document, Bates labeled,</p> <p>TARRANT_00709343 through</p> <p>TARRANT_00709344</p> <p>Confidential</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (Continued)</p> <p>2</p> <p>3 FOR THE MEDICAL EXAMINER'S OFFICE:</p> <p>4 Mark Kratovil, Esq.</p> <p>5 Assistant Criminal District Attorney</p> <p>6 County of Tarrant</p> <p>7 401 West Belknap</p> <p>8 9th Floor</p> <p>9 Fort Worth, Texas 76196</p> <p>10 817.844.1233</p> <p>11</p> <p>12 ALSO PRESENT:</p> <p>13 Ms. Sadie Turner</p> <p>14 sadie.turner@lanierlawfirm.com</p> <p>15 (attending remotely via Zoom)</p> <p>16 Mr. Norm Harris, Videographer</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX (Continued)</p> <p>2 EXHIBITS (Continued)</p> <p>3 NO. DESCRIPTION PAGE</p> <p>4 Exhibit 4 A copy of a 138-page 119</p> <p>5 document entitled,</p> <p>6 "Medical Examiner's</p> <p>7 Operating Guidelines,"</p> <p>8 Bates labeled,</p> <p>9 TARRANT_00894123 through</p> <p>10 TARRANT_00894260</p> <p>11 Confidential</p> <p>12 Exhibit 5 A copy of a three-page 129</p> <p>13 e-mail, Bates labeled,</p> <p>14 TARRANT_00709204 through</p> <p>15 TARRANT_00709206</p> <p>16 Confidential</p> <p>17 Exhibit 6 A copy of a two-page 133</p> <p>18 document entitled,</p> <p>19 "Notice of Personnel</p> <p>20 Action CS-5"</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: We are going on</p> <p>3 the record at 10:06 a.m. My name is Norm Harris</p> <p>4 representing Veritext. The date today is June</p> <p>5 the 7th, 2023.</p> <p>6 This deposition is being held at</p> <p>7 the Veritext offices located in Fort Worth,</p> <p>8 Texas, and is being taken by counsel for the</p> <p>9 Defendant.</p> <p>10 The caption of the case is in re:</p> <p>11 National Prescription Opiate Litigation, filed in</p> <p>12 the United States District Court for the Northern</p> <p>13 District Ohio, Eastern Division; Case Number</p> <p>14 1:18-op-45274-DAP.</p> <p>15 The name of the witness is John</p> <p>16 Briggs.</p> <p>17 Attorneys please state your</p> <p>18 appearance. And for those of you online, please</p> <p>19 state your locations.</p> <p>20 MS. LAGOS: Alexandra Bach Lagos,</p> <p>21 I'm an attorney with Greenberg Traurig, counsel</p> <p>22 for Albertsons. And I'm here with Kristie</p> <p>23 Daniels, and she's also an attorney with</p> <p>24 Greenberg Traurig, counsel for Albertsons.</p> <p>25 MS. ABSTON: And I'm Alex Abston</p>	<p style="text-align: right;">Page 8</p> <p>1 truth, and nothing but the truth testifies on the</p> <p>2 witness's oath as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MS. LAGOS:</p> <p>5 Q. Good morning, Mr. Briggs. We met</p> <p>6 offline, my name is Alexandra Bach Lagos. And I</p> <p>7 am counsel for Albertsons here today.</p> <p>8 How are you doing today?</p> <p>9 A. Just fine, ma'am.</p> <p>10 Q. Terrific. This is your deposition.</p> <p>11 It's being taken for discovery, trial and all</p> <p>12 other purposes, offers by law pursuant to Notice</p> <p>13 in the Federal Rules of Civil Procedure.</p> <p>14 MS. LAGOS: Alex, can we agree that</p> <p>15 all objections except as to the form of the</p> <p>16 question and responsiveness of the answer shall</p> <p>17 be reserved until the time of trial, first use of</p> <p>18 this deposition?</p> <p>19 MS. ABSTON: I will just object to</p> <p>20 form.</p> <p>21 BY MS. LAGOS:</p> <p>22 Q. Okay. Mr. Briggs, could you please</p> <p>23 state your full name for the record?</p> <p>24 A. John, J-o-h-n. Paul, P-a-u-l. Briggs,</p> <p>25 B-r-i-g-g-s, "S" as in Sam.</p>
<p style="text-align: right;">Page 7</p> <p>1 from The Lanier Law Firm on behalf of the</p> <p>2 Plaintiffs.</p> <p>3 And we have Leila and Sadie who are</p> <p>4 on by Zoom, who are also on behalf of the</p> <p>5 Plaintiffs.</p> <p>6 MR. KRATOVIL: I'm Mark Kratovil,</p> <p>7 I'm with the Civil Division of the Tarrant County</p> <p>8 Criminal District Attorney's Office. And we are</p> <p>9 counsel for the Medical Examiner's Office.</p> <p>10 MS. AYCOCK: And Kiley Aycock, I am</p> <p>11 here for Kroger. I am in Dallas County, Texas.</p> <p>12 And I'm with Quillings Selander.</p> <p>13 THE COURT REPORTER: If you would</p> <p>14 please raise your right hand, I'll administer the</p> <p>15 witness's oath to you.</p> <p>16 THE WITNESS: (Complies.)</p> <p>17 THE COURT REPORTER: Do you</p> <p>18 solemnly swear or affirm that the testimony which</p> <p>19 you give in this case will be the truth, the</p> <p>20 whole truth, and nothing but the truth, so help</p> <p>21 you God?</p> <p>22 THE WITNESS: I do.</p> <p>23 THE COURT REPORTER: Thank you.</p> <p>24 JOHN PAUL BRIGGS,</p> <p>25 having sworn to testify the truth, the whole</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Thank you for spelling it out for us.</p> <p>2 And what's your date of birth?</p> <p>3 A. 12-22-1968.</p> <p>4 Q. What city or town do you reside in?</p> <p>5 A. Burleson, B-u-r-l-e-s-o-n, Texas.</p> <p>6 Q. Okay. Can you provide me with your</p> <p>7 address?</p> <p>8 You can provide your work address,</p> <p>9 that's fine.</p> <p>10 A. My work address is 200, 2-0-0. I have</p> <p>11 to spell it for you.</p> <p>12 Q. Okay.</p> <p>13 A. Two words, first word, Feliks,</p> <p>14 F-e-l-i-k-s, as in Sam.</p> <p>15 Second word, Gwozdz, G-w-o-z-d-z,</p> <p>16 Fort Worth, Texas 76104.</p> <p>17 Q. Mr. Briggs, have you ever sat for a</p> <p>18 deposition before?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Okay. Approximately how many?</p> <p>21 A. Half dozen.</p> <p>22 Q. Okay. So you're pretty well versed with</p> <p>23 the process. When was the last time you sat for</p> <p>24 depo?</p> <p>25 A. Approximately six years ago.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. That's a while back. So before 2 we begin, I'm just going to go over a few 3 groundrules if that's okay with you. Most of 4 them are just intended to help the Court Reporter 5 take down everything we say. 6 So as you see here, our Court 7 Reporter is taking down everything that we say, 8 it's being recorded. We also have a videographer 9 here -- that's here with us today. 10 Because of the Court Reporter 11 here, I just ask that you verbalize your 12 responses and don't nod your head. Like in -- 13 don't nod "yes" or "no." Instead, just answer 14 audibly. It makes it a lot easier and it keeps a 15 clean transcript. 16 Likewise, it's difficult for the 17 Court Reporter to take down what we're saying 18 if we're talking over each other. It's very 19 natural in conversation, natural conversation, 20 that you know where I'm going with a question 21 and you might pop in with an answer. I just ask 22 that you let me finish my question before you 23 provide your answer so we keep a clean 24 transcript. 25 I'm going to do my best not to</p>	<p style="text-align: right;">Page 12</p> <p>1 going to assume that you've understood the 2 question that I'm asking. Is that fair? 3 A. Yes, ma'am. 4 Q. Do you have any questions about my 5 instructions? 6 A. No, ma'am. 7 Q. Is there any reason you cannot give 8 accurate and truthful testimony? 9 A. No, ma'am. 10 Q. Before your deposition, had you and I 11 ever met or spoken? 12 A. Not that I can recall. 13 Q. Do you understand that your testimony 14 today is under oath the same as if you were in 15 Court giving testimony in Court? 16 A. Yes, ma'am. 17 Q. Do you in -- intend to testify at the 18 trial of this case? 19 MS. ABSTON: Objection. Form. 20 THE WITNESS: Yes. If called to do 21 so. 22 BY MS. LAGOS: 23 Q. Are there any reasons why we can't move 24 forward with your deposition here today? 25 A. No.</p>
<p style="text-align: right;">Page 11</p> <p>1 interrupt you, if you do the same just -- that's 2 again, just let me finish my question. 3 If your attorney raises an 4 objection that's not meant and you have an 5 attorney here today from the D.A.'s Office. 6 That objection is not meant to stop 7 the deposition or my questioning if your attorney 8 objects to a question I pose to you, I just ask 9 that you continue to respond to my question 10 unless your attorney instructs you not to answer. 11 All right? 12 A. Yes, ma'am. 13 Q. Okay. If you need a break, please just 14 let me know. You're in charge today in terms of 15 timing. I just want to make sure you are 16 comfortable. So just let me know when you need 17 a break, we are happy to accommodate you. 18 Okay? 19 A. Yes, ma'am. 20 Q. And if you don't understand a question, 21 just let me ask -- just let me know, and I'll 22 repeat or rephrase it and I'll try to do my best 23 to clarify. All right? 24 A. Yes, ma'am. 25 Q. If you answer a question I've asked, I'm</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. Before your deposition, did you 2 have any contact with anyone about this 3 deposition? 4 A. Yes. 5 Q. Who? 6 A. Mr. Kratovil and the law firm on the 7 case for the County. 8 MS. ABSTON: And John, I'm going to 9 remind you that you can answer the questions, but 10 there is attorney/client privilege that covers 11 the content of the discussions. 12 BY MS. LAGOS: 13 Q. And you said the law firm, do you mean 14 The Lanier Law Firm? 15 A. I believe that's the name of it. But 16 I'm not aware of all of their titles or 17 organizations. 18 Q. All right. Well, let's take them one by 19 one. 20 When was the first time you spoke 21 to Mr. Kratovil? 22 A. During the information gathering process 23 on this entire incident. I believe a year or two 24 ago. 25 Q. So --</p>

<p style="text-align: right;">Page 14</p> <p>1 A. In response to queries.</p> <p>2 Q. Okay. So, the first time that you</p> <p>3 spoke to Mr. Kratovil, you said was a year or two</p> <p>4 ago?</p> <p>5 A. I don't know, ma'am.</p> <p>6 Q. Okay. How did he first contact you?</p> <p>7 A. Telephone.</p> <p>8 Q. How many telephone conversations have</p> <p>9 you had total with Mr. Kratovil?</p> <p>10 A. On all topics, or just this topic,</p> <p>11 ma'am?</p> <p>12 Q. On all topics.</p> <p>13 A. Hundreds.</p> <p>14 Q. You have had hundreds of phone calls</p> <p>15 with Mr. Kratovil?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. So from the first time that you spoke</p> <p>18 to Mr. Kratovil until today, do you believe that</p> <p>19 you had approximately how many hours of</p> <p>20 conversation?</p> <p>21 A. I don't know, ma'am.</p> <p>22 Q. Do you think about hundreds of hours?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Are most of those conversations that you</p> <p>25 had with Mr. Kratovil, did they take place by</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Only maybe two or three.</p> <p>2 Q. Okay. And how long were those</p> <p>3 conversations?</p> <p>4 A. Very brief. Under five minutes.</p> <p>5 Q. They were all telephonic?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Okay. Now, I want to talk about your</p> <p>8 conversations with the law firm for the</p> <p>9 Plaintiffs. All right?</p> <p>10 A. Okay.</p> <p>11 Q. When was the first time that you were</p> <p>12 contacted by the law firm for the Plaintiffs in</p> <p>13 this case?</p> <p>14 A. I believe here within the month.</p> <p>15 Q. Okay. So this past month is the first</p> <p>16 time you spoke with anybody from the Plaintiff's</p> <p>17 law firm?</p> <p>18 A. I believe so.</p> <p>19 Q. And who did you speak to?</p> <p>20 A. There was a lady named, I believe, Sadie</p> <p>21 had called in regard --</p> <p>22 Q. Is Sadie an attorney?</p> <p>23 A. Yes. I believe it was in regard to</p> <p>24 setting up this deposition.</p> <p>25 Q. And that was a phone call?</p>
<p style="text-align: right;">Page 15</p> <p>1 phone?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Did you meet Mr. Kratovil in person</p> <p>4 prior to today?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. On how many occasions?</p> <p>7 A. Numerous.</p> <p>8 Q. When you say "numerous," is it less than</p> <p>9 10 or is it more than 10?</p> <p>10 A. More than 10.</p> <p>11 Q. I want to clarify something.</p> <p>12 During those -- those hundreds of</p> <p>13 hours of conversations, were all of those</p> <p>14 conversations about the lawsuit that you're here</p> <p>15 testifying about today?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Okay. So those conversations that</p> <p>18 you've had with Mr. Kratovil. Let me change my</p> <p>19 question.</p> <p>20 When was the first time that you</p> <p>21 spoke or met with Mr. Kratovil about this case?</p> <p>22 A. Approximately one to two years ago was a</p> <p>23 phone call.</p> <p>24 Q. Okay. And how many conversations have</p> <p>25 you had with him about this case?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I don't recall, ma'am.</p> <p>2 Q. You don't recall if it was a phone call</p> <p>3 or you don't -- what other communication do you</p> <p>4 think it could have been?</p> <p>5 A. I get lots of e-mails every day and lots</p> <p>6 of phone calls.</p> <p>7 Q. Okay. So you don't know if they reach</p> <p>8 out, the initial reach out by Sadie, you can't</p> <p>9 recall if it was an e-mail or it was a phone</p> <p>10 call. Is that fair?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And then the next time that you spoke</p> <p>13 to -- when was the next time that you spoke to</p> <p>14 anybody from the Plaintiff?</p> <p>15 A. Last week.</p> <p>16 Q. Okay. And who did you speak to last</p> <p>17 week?</p> <p>18 A. Alex.</p> <p>19 Q. Was that the first time you've spoken to</p> <p>20 Alex?</p> <p>21 A. I believe so.</p> <p>22 Q. Was it a phone call?</p> <p>23 A. It was Zoom.</p> <p>24 Q. And how was -- how long was that meeting</p> <p>25 with Alex?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. Approximately 45 minutes.</p> <p>2 Q. During that meeting, did Alex show you</p> <p>3 any documents?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Did anyone for the Plaintiff's law firm</p> <p>6 show you any documents prior to your deposition</p> <p>7 today?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Okay. We've now talked about a</p> <p>10 conversation with Ms. Sadie which you can't</p> <p>11 recall if it was e-mail or phone. And we've</p> <p>12 talked about this Zoom meeting with Alex that</p> <p>13 lasted approximately 45 minutes.</p> <p>14 Were there any other meetings with</p> <p>15 counsel for the Plaintiff prior to your</p> <p>16 deposition today?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Okay. What other meeting?</p> <p>19 A. Yesterday.</p> <p>20 Q. And who did you meet with yesterday?</p> <p>21 A. Alex.</p> <p>22 Q. And how long was your meeting with</p> <p>23 Alex?</p> <p>24 A. Approximately 30 minutes. No, I'm</p> <p>25 sorry. Approximately an hour.</p>	<p style="text-align: right;">Page 20</p> <p>1 MS. LAGOS: We can be off the</p> <p>2 record for a second. Just one second.</p> <p>3 THE VIDEOGRAPHER: We are going off</p> <p>4 the record at 10:20 a.m.</p> <p>5 (Recess taken.)</p> <p>6 THE VIDEOGRAPHER: We are going</p> <p>7 back on the record at 10:23 a.m.</p> <p>8 BY MS. LAGOS:</p> <p>9 Q. All right, Mr. Briggs. Did you review</p> <p>10 anything to prepare for today's deposition?</p> <p>11 A. No, ma'am.</p> <p>12 Q. And when I say "did you review</p> <p>13 anything," I mean did you review any</p> <p>14 documents? Did you review any files, any autopsy</p> <p>15 reports?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Okay. Did you tell review any data at</p> <p>18 all to prepare for this deposition?</p> <p>19 A. No, ma'am.</p> <p>20 Q. What did you do to prepare for this</p> <p>21 deposition?</p> <p>22 A. I met with the attorneys who wanted to</p> <p>23 discuss.</p> <p>24 Q. Okay. And those attorneys are</p> <p>25 Mr. Kratovil and attorneys from counsel from the</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Was that meeting face to face?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Was that another Zoom meeting?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. And during that Zoom meeting, did Alex</p> <p>6 show you any documents?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Okay. When was the first time that you</p> <p>9 met Alex face to face?</p> <p>10 A. Today walking into the building.</p> <p>11 Q. So prior to your deposition today, have</p> <p>12 you reviewed any documents provided to you by the</p> <p>13 Plaintiff's law firm?</p> <p>14 A. No.</p> <p>15 MS. LAGOS: Alex, I was told that</p> <p>16 there was a personnel file produced prior to this</p> <p>17 deposition.</p> <p>18 MS. ABSTON: I believe we have</p> <p>19 produced everything we're required to. But I'm</p> <p>20 happy to talk with the rest of counsel.</p> <p>21 Did you receive a personnel file?</p> <p>22 MS. LAGOS: I didn't.</p> <p>23 MS. ABSTON: I didn't see. There</p> <p>24 was just an e-mail yesterday saying that it was</p> <p>25 going --</p>	<p style="text-align: right;">Page 21</p> <p>1 Plaintiff's law firm?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Okay. So the three occasions that you</p> <p>4 spoke to those attorneys?</p> <p>5 A. Mr. Kratovil was not present in the</p> <p>6 meetings that I had online I believe last two</p> <p>7 times. I didn't see him show up on the Zoom</p> <p>8 meetings.</p> <p>9 Q. Okay. So the only thing that you did to</p> <p>10 prepare for this deposition, was those meetings</p> <p>11 that you had with counsel for the Plaintiff's law</p> <p>12 firm on those three occasions that we spoke</p> <p>13 about. Is that correct?</p> <p>14 A. Three occasions.</p> <p>15 Q. Well, we talked about there was a</p> <p>16 discussion -- there was a discussion with Sadie</p> <p>17 about the scheduling possibly?</p> <p>18 A. Okay. Yes, ma'am.</p> <p>19 Q. And I know there was a meeting. Then</p> <p>20 there was two Zoom meetings with Alex that we</p> <p>21 spoke about?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Were any other meetings?</p> <p>24 A. No, ma'am.</p> <p>25 Q. Okay. So the only thing that you did to</p>

<p style="text-align: right;">Page 22</p> <p>1 prepare for this deposition were those two Zoom</p> <p>2 meetings with Alex. Is that fair?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. Have you reviewed any -- have you</p> <p>5 reviewed the Complaint in this case, a copy of</p> <p>6 the Complaint?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Okay. Do you -- when I say "Complaint,"</p> <p>9 do you understand what I'm referring to?</p> <p>10 A. The charge cause why we're here?</p> <p>11 Q. Yes.</p> <p>12 A. No, ma'am.</p> <p>13 Q. Okay. So you have never reviewed that?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Okay. And have you reviewed any</p> <p>16 depositions taken in this case?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Have you reviewed any summary of this</p> <p>19 case?</p> <p>20 A. No, ma'am.</p> <p>21 Q. I know that you said that all you did to</p> <p>22 prepare for this deposition was those meetings</p> <p>23 with Alex, but did you do any research at all,</p> <p>24 including any online research, to prepare for</p> <p>25 your depo today?</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Okay.</p> <p>2 A. In my line of work, it's not necessarily</p> <p>3 kept up to date because I'm not an expert</p> <p>4 witness. I testify as a fact witness. So I</p> <p>5 don't keep it up to date like experts do.</p> <p>6 Q. Right. They -- experts have to put in</p> <p>7 every, you know, all of their testimony and so</p> <p>8 they keep it up-to-date pretty often. No. I</p> <p>9 understand that.</p> <p>10 Since you updated it a few weeks</p> <p>11 ago it should be pretty updated?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Okay. Now, I don't have that CV in</p> <p>14 front of me. So, you know, not -- I know</p> <p>15 you're not going to go through. You probably</p> <p>16 haven't memorized it in granular detail but if</p> <p>17 you can kind of walk me through what it contains,</p> <p>18 that would just be helpful to me to give you an</p> <p>19 overview of your professional experience and your</p> <p>20 background?</p> <p>21 A. My CV lists my job history, my positions</p> <p>22 at my different jobs. Some basic tasks or</p> <p>23 responsibilities from those jobs. It highlights</p> <p>24 some of my training, my personal accomplishments,</p> <p>25 service awards.</p>
<p style="text-align: right;">Page 23</p> <p>1 A. No, ma'am.</p> <p>2 Q. Have you spoken to any experts or</p> <p>3 consultants in this case to prepare for this</p> <p>4 deposition?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Do you have a CV that captures all of</p> <p>7 your professional experience?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. I'd ask that you produce a</p> <p>10 copy of that CV to Alex and hopefully she can</p> <p>11 forward that along to us. That would be</p> <p>12 helpful.</p> <p>13 MS. ABSTON: We can get that over</p> <p>14 to you.</p> <p>15 MS. LAGOS: Yeah. That would be</p> <p>16 great.</p> <p>17 MS. ABSTON: Okay.</p> <p>18 BY MS. LAGOS:</p> <p>19 Q. That CV that you intend to forward to</p> <p>20 Alex, when was it last updated?</p> <p>21 A. I believe a few weeks ago after I took a</p> <p>22 training course.</p> <p>23 Q. Okay. So you keep it updated pretty</p> <p>24 regularly. Is that fair?</p> <p>25 A. Periodically.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Okay. So we'll talk about your job</p> <p>2 history in a second and your educational</p> <p>3 background. But why don't you tell me a little</p> <p>4 bit about your training. What kind of training</p> <p>5 do you have listed out in the CV?</p> <p>6 A. I have various sorts of training, either</p> <p>7 from military background, police background or</p> <p>8 working as a government employee background.</p> <p>9 Q. Does any of that training relate</p> <p>10 specifically to opioids?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What time kind of training?</p> <p>13 A. Drug enforcement.</p> <p>14 Q. Okay.</p> <p>15 A. Death investigations for drugs,</p> <p>16 overdoses.</p> <p>17 Identifying of illegal narcotics.</p> <p>18 Manufacturing of illegal narcotics</p> <p>19 and the criminal prosecution of -- for illegal</p> <p>20 narcotics.</p> <p>21 Q. Okay. And those trainings, who were</p> <p>22 they offered by?</p> <p>23 A. Various police academies and law</p> <p>24 enforcement organizations.</p> <p>25 In-service training.</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 26</p> <p>1 University of St. Louis School of 2 Medicine for Medicolegal Death Investigation 3 courses. 4 Various courses, in-service type 5 stuff. 6 Q. And you also mentioned service awards? 7 A. Yes, ma'am. 8 Q. Okay. And for the service awards, what 9 service awards are listed on there? 10 A. I am an Eagle Scout in the Boy Scouts of 11 America. 12 Q. Congratulations. 13 A. Thank you, ma'am. 14 Officer of the Year at one of the 15 local police departments when I was a police 16 officer. 17 The State of Texas Medal of Valor. 18 Q. What did you receive that for? 19 A. I was shot in the line of duty in 20 1997 and sustained a .38 caliber bullet to the 21 chest. 22 The DuPont Kevlar Survivors Award, 23 national award. 24 And I believe there's a few 25 others.</p>	<p style="text-align: right;">Page 28</p> <p>1 Kevlar Award? 2 A. Yes, ma'am. 3 Q. Okay. And what was that awarded for? 4 A. That is a national award given by 5 the DuPont Corporation for Kevlar, the bullet 6 resistant vest that police officers wear for 7 surviving a bullet or a shooting. I was 8 wearing my bullet-proof vest at the time, and my 9 life was saved due to the properties provided by 10 the bullet-proof vest manufactured by the DuPont 11 Corporation. 12 Q. Understood. Could you describe your 13 educational background to me, Mr. Briggs? 14 A. I only have partial college. I do not 15 have a college degree. 16 Q. Okay. Partial college. Where did you 17 attend college? 18 A. The local community college here in Fort 19 Worth is called the "Tarrant County College" now, 20 formerly known, "Tarrant County Community 21 College." 22 Q. When did you attend Tarrant County 23 Community College? 24 A. In the 1980s, early '90s. 25 Q. Did you receive any degrees from Tarrant</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Okay. So, I have the Officer of the 2 Year. 3 The Officer of the Year award, was 4 that award -- was that awarded for just generally 5 acceptable performance throughout -- throughout 6 the year? 7 A. Yes, ma'am. 8 Q. Or was that awarded for a specific 9 incident? 10 A. Throughout the year. 11 Q. And you were talking about the State of 12 Texas Medal of Valor Award. And that was for 13 being shot in the line of duty or related to that 14 incident? 15 A. Yes, ma'am. 16 Q. Okay. Can you tell me a little bit 17 about that incident? 18 A. I was on duty as a police sergeant in 19 the City of Lake Worth, Texas, in 1997, when an 20 intoxicated individual and gang member began 21 shooting up a quinceañera party and shot me once 22 in the chest. 23 I then proceeded to return fire and 24 eventually arrested that individual, myself. 25 Q. And then you also mentioned the DuPont</p>	<p style="text-align: right;">Page 29</p> <p>1 County Community College? 2 A. No, ma'am. 3 Q. Okay. So you don't have an AA degree? 4 A. No, ma'am. 5 Q. Okay. Do you have a high school 6 diploma? 7 A. Yes, ma'am. 8 Q. And then I think you said -- well, why 9 don't you just go ahead and walk me through your 10 work, your work history. We've touched on it a 11 little bit, but I just -- kind of 12 chronologically. If you could walk through that, 13 it would be helpful. 14 A. Would you like to start from current 15 or from -- 16 Q. That's a great question. Why don't we 17 start chronologically. So start from the 18 beginning, and kind of work your way forward? 19 A. Okay. 20 Q. Thank you. 21 A. Yes, ma'am. My CV starts out with me 22 working with the Boy Scouts of America, Longhorn 23 Council, for several years where I taught boys in 24 different aspects of summer camp and leadership 25 and outdoor activities.</p>

<p style="text-align: right;">Page 30</p> <p>1 I then progressed on to 2 approximately 1990 beginning work at the Lake 3 Worth Police Department, a suburb of Fort Worth, 4 where I started as a civilian dispatcher, records 5 clerk, reserve officer, patrol officer, canine 6 officer, patrol sergeant, for seven and a half 7 years. 8 Q. And apologies. I missed the date when 9 you started. That was 1990? 10 A. Yes, ma'am. 11 Q. So 1990 until 1997? 12 A. Yes, ma'am. 13 Q. Thank you. And then? 14 A. After leaving Lake Worth, I went to the 15 Kennedale, K-e-n-n-e-d-a-l-e, City Police 16 Department for approximately two and a half 17 years, where I worked as patrol officer 18 investigator on the Drug Task Force, HIDTA, 19 H-I-D-T-A Drug Task Force in Dallas with the DEA 20 and FBI. And then patrol sergeant. 21 Q. And that was from about 1997 to 1999? 22 A. Approximately right up to 2000. 23 Q. Okay. Then in 2000? 24 A. I got out of law enforcement for 25 approximately 10 months.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. To receive calls from law enforcement, 2 medical facilities, medical personnel, funeral 3 homes, or the general public who were reporting 4 deaths to the Medical Examiner's Office for 5 investigation. 6 Q. Understood. So you started as an 7 investigative clerk. And how long did you serve 8 in that role? 9 A. Approximately one month. 10 Q. That was a very short time period? 11 A. Yes, ma'am. 12 Q. Okay. What was your next job? 13 A. Forensic Death Investigator I. 14 Q. So after you -- one month, was that a 15 promotion to Forensic Death Investigator? 16 A. Yes, ma'am. 17 Q. Okay. And in your role as Forensic 18 Death Investigator I, could you describe your job 19 duties? 20 A. I investigated field-related deaths and 21 worked in the field investigating traumatic or 22 suspicious deaths. 23 Q. And how long did you work in that role 24 as a for Forensic Death Investigator I? 25 A. Approximately three years.</p>
<p style="text-align: right;">Page 31</p> <p>1 I went into computer work, 2 because it paid more money, until a job opened 3 at the Tarrant County Medical Examiner's 4 Office that I had been taking in-service 5 training for and preparing for, for years. To 6 step into. 7 I was hired at the Tarrant County 8 Medical Examiner's Office on/or about September 9 1, 2001. 10 Q. And what was your title when you were 11 hired? 12 A. Investigative clerk. 13 Q. What were your job responsibilities as 14 an investigative clerk? 15 A. Taking reports of death, natural deaths 16 from hospitals and hospice organizations and 17 doing non-field-based investigative work. 18 Q. And non-field-based investigative work 19 means that you worked from the office? 20 A. Yes, ma'am. 21 Q. So you say reports of -- 22 A. Death. 23 Q. Yeah. What does that mean? Like you 24 would -- what would you do in your job as the 25 investigative clerk?</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. So until about 2004? 2 A. Approximately. 3 Q. Okay. And then in 2004? 4 A. Approximately that time period, I was 5 promoted to Forensic Death Investigator II, also 6 known as a "Senior Death Investigator." 7 Q. And what were your job duties as a 8 Senior Death Investigator? 9 A. The same as before except it also 10 included more complex death investigations. And 11 increased responsibilities for death 12 investigation scenes. 13 Q. Can you describe the increased 14 responsibility? 15 A. Instead of being a regular investigator, 16 I might be a team lead, might be more involved 17 with a mass casualty investigations or planning, 18 assign special projects that involve a complex 19 death investigation, a multi-fatality 20 investigation or the handling of a larger case. 21 Q. As a Forensic Death Investigator I, did 22 you investigate in the field, did you investigate 23 opioid overdoses cases? 24 A. Yes. 25 Q. Do you have any way to tally what</p>

<p style="text-align: right;">Page 34</p> <p>1 percentage of your, you know, docket or cases 2 involved opioid overdose cases when you were a 3 Forensic Death Investigator I? 4 MS. ABSTON: Objection to form. 5 THE WITNESS: Not in front of me, 6 no. 7 BY MS. LAGOS: 8 Q. And you say, "not front of you, no." 9 Do you have that information 10 somewhere? 11 A. Not my personal collection. 12 Q. Okay. Where would I find it? 13 A. Our internal computer system. Search 14 parameters, search screen. 15 Q. And what kind of information is 16 collected therein that would allow me to identify 17 which percentage of your cases involved, you 18 know, opioid overdose cases? 19 A. I'm sorry. Can you restate the 20 question? 21 Q. Yeah. How would I -- using -- you said 22 you -- I would -- I would find that information 23 searching your system? 24 A. Yes, ma'am. You would have to search by 25 my name, date period, and maybe keyword.</p>	<p style="text-align: right;">Page 36</p> <p>1 Investigator." 2 Q. And what were your duties in that role? 3 A. Very little field work and more 4 supervisory work. 5 Q. Okay. So starting in 2010, you started 6 going out to the investigative scenes less often. 7 Is that fair? 8 A. Yes, ma'am. 9 Q. Okay. Would you say that you rarely 10 went out to an investigative scene from 2010 11 forward? 12 MS. ABSTON: Objection to form. 13 THE WITNESS: Yes, ma'am. 14 BY MS. LAGOS: 15 Q. Okay. From 2010 until today, can you 16 give me an approximation of the number of death 17 scenes that you've -- that you have been to in 18 your -- in your work as an investigator? 19 MS. ABSTON: Objection. Form. 20 THE WITNESS: Approximately less 21 than 50. 22 BY MS. LAGOS: 23 Q. All right. So we talked about your 24 promotion to Deputy Chief Investigator, and that 25 was in 2010. Right?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Okay. But sitting here today, you're -- 2 you can't tell me what percentage? 3 A. No, ma'am. 4 Q. Okay. And then when the 2004, when you 5 were promoted to Forensic Death Investigator II, 6 did your work in that capacity or your work as 7 Investigator II, did you investigate opioid 8 overdose cases? 9 A. Yes, ma'am. 10 Q. And again sitting here today, you can't 11 tell me what percentage of the cases that you 12 worked on as a Senior Invest -- as an 13 Investigator II involved opioid overdose cases. 14 Is that correct? 15 MS. ABSTON: Objection. Form. 16 THE WITNESS: That is correct, 17 ma'am. I cannot. 18 BY MS. LAGOS: 19 Q. And how long did you work as a Forensic 20 Death Investigator II? 21 A. Until approximately 2010. 22 Q. So from 2004 to -- to 2010. And then in 23 2010? 24 A. I was promoted to Supervisory 25 Investigator also known as "Deputy Chief</p>	<p style="text-align: right;">Page 37</p> <p>1 A. Yes, ma'am. 2 Q. Okay. And you said it was less field 3 work, more supervisory, more supervisory work. 4 Who were you supervising? 5 A. The remaining field investigators and 6 investigative clerks. 7 Q. And approximately, how many people was 8 that? 9 A. At that time, it was approximately 12. 10 Q. At some point, did that number change? 11 A. Yes, ma'am. In the last few years, it 12 has changed. 13 Q. How has it changed? 14 A. I've secured new staffing positions. 15 Q. Approximately how many new staffing 16 positions did you secure? 17 A. In my department, we have had five new 18 positions created in approximately the last four 19 or five years. 20 Q. Okay. So you're currently supervising a 21 group of approximately 17? 22 A. Eighteen. 23 Q. Okay. Eighteen. So from 2010, you were 24 promoted to the Deputy Chief Investigator and is 25 that your -- is that your role? Are you</p>

<p style="text-align: right;">Page 38</p> <p>1 currently in that role today?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Okay. When were you promoted to Chief?</p> <p>4 A. I believe January of 2021.</p> <p>5 Q. Okay. So from 2010 to January of 2021.</p> <p>6 Okay.</p> <p>7 A. I believe that's correct. I was</p> <p>8 promoted to Chief Forensic Death Investigator of</p> <p>9 the Tarrant County Medical Examiner's Office and</p> <p>10 District.</p> <p>11 Q. And you were promoted in of 2021? And</p> <p>12 that is a role you currently serve in today.</p> <p>13 Correct? Forensic Death Investigator?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Can you describe to me your duties as</p> <p>16 the Chief Forensic Death Investigator in Tarrant</p> <p>17 County?</p> <p>18 A. I supervise my Department of Tarrant</p> <p>19 County staff, recommend budget items, I submit</p> <p>20 purchase orders for budgetary items.</p> <p>21 I approve timesheets, discipline</p> <p>22 staff, hire staff.</p> <p>23 I then also supervise indirectly</p> <p>24 staff in the Denton, Parker, and Johnson Field</p> <p>25 offices.</p>	<p style="text-align: right;">Page 40</p> <p>1 additional -- how many certifications do you</p> <p>2 have?</p> <p>3 A. Approximately active, two.</p> <p>4 Q. Okay. What the certifications?</p> <p>5 A. I currently have a Master's Peace</p> <p>6 Officer License in the State of Texas from the</p> <p>7 Texas Commission on Law Enforcement.</p> <p>8 Q. A Master's Peace Officer license?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. All right. And what is a Master Peace</p> <p>11 Officer?</p> <p>12 A. It is the highest license available in</p> <p>13 the State of Texas for a police officer.</p> <p>14 Q. Did you have to attend a course to</p> <p>15 receive that license?</p> <p>16 A. It is a combination of tenure and</p> <p>17 in-service training or educational hours.</p> <p>18 Q. Okay. And you said two certifications.</p> <p>19 What is the other one?</p> <p>20 A. I am currently diplomatic in the</p> <p>21 American Board of Medicolegal Death</p> <p>22 Investigation, also only in as ABMDI. And I am a</p> <p>23 diplomatic in the Board certification for death</p> <p>24 investigation.</p> <p>25 Q. And when did you receive that</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Denton, Parker and Johnson Counties, do</p> <p>2 all of those counties, are they covered -- are</p> <p>3 they within the jurisdiction of the Tarrant</p> <p>4 County Examiner's Office?</p> <p>5 A. The Tarrant County Medical Examiner's</p> <p>6 Office District.</p> <p>7 Q. District. Okay. And that district</p> <p>8 includes those counties I just mentioned. Is</p> <p>9 that fair?</p> <p>10 A. Yes.</p> <p>11 Q. And who do you report to in the office,</p> <p>12 if anyone?</p> <p>13 A. The chain of command, I report to the</p> <p>14 Administrator, Tracye, T-r-a-c-y-e, last name</p> <p>15 Sisco. S-i-s-c-o.</p> <p>16 Q. And what is Tracy's title?</p> <p>17 A. Administrator. I believe it may have</p> <p>18 been changed. They're working on changing it or</p> <p>19 something but last I heard it was Administrator.</p> <p>20 Q. I know you said your CV contains your</p> <p>21 certifications listed there.</p> <p>22 Are there any certifications that</p> <p>23 you can recall today -- are there any specifics?</p> <p>24 Well, let me rephrase my question.</p> <p>25 Approximately how many</p>	<p style="text-align: right;">Page 41</p> <p>1 certification?</p> <p>2 A. I do not recall the exact date. It's --</p> <p>3 I believe it's early 2000.</p> <p>4 Q. And did you take any certification</p> <p>5 course to receive that certification?</p> <p>6 A. Yes.</p> <p>7 Q. And where did you take that</p> <p>8 certification course?</p> <p>9 A. Is the University of St. Louis School of</p> <p>10 Medicine, St. Louis, Missouri.</p> <p>11 Q. How long was the course?</p> <p>12 A. I have been to it twice. It was 40</p> <p>13 hours each week.</p> <p>14 Q. Have you ever had any licenses</p> <p>15 suspended?</p> <p>16 A. No.</p> <p>17 Q. Have you ever been reprimanded, punished</p> <p>18 or sanctioned in anyway professionally?</p> <p>19 MS. ABSTON: Objection. Form.</p> <p>20 THE WITNESS: Can you repeat the</p> <p>21 question?</p> <p>22 BY MS. LAGOS:</p> <p>23 Q. Yes. Have you ever been professionally</p> <p>24 reprimanded or sanctioned?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. On how many occasions?</p> <p>2 A. Approximately five.</p> <p>3 Q. Was that during your work as a police</p> <p>4 officer or during work as a -- for the Medical</p> <p>5 Examiner's Office?</p> <p>6 MS. ABSTON: Objection to form.</p> <p>7 THE WITNESS: My work as a police</p> <p>8 officer.</p> <p>9 BY MS. LAGOS:</p> <p>10 Q. For any of those reprimands, were you</p> <p>11 ever put on leave or the subject of any</p> <p>12 investigation or additional follow-up?</p> <p>13 MS. ABSTON: Objection to form.</p> <p>14 THE WITNESS: No, ma'am.</p> <p>15 BY MS. LAGOS:</p> <p>16 Q. Have you ever been investigated by a</p> <p>17 Board?</p> <p>18 MS. ABSTON: Objection to form.</p> <p>19 THE WITNESS: No, ma'am.</p> <p>20 BY MS. LAGOS:</p> <p>21 Q. Are you on faculty for any school?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Are you a member of any professional</p> <p>24 societies or organizations?</p> <p>25 A. No, ma'am.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Do you have any expertise in marketing</p> <p>2 or advertising?</p> <p>3 MS. ABSTON: Objection to form.</p> <p>4 THE WITNESS: No, ma'am.</p> <p>5 BY MS. LAGOS:</p> <p>6 Q. Some of the Defendants in this case --</p> <p>7 the Defendants in this case are pharmacies.</p> <p>8 Have you ever worked as a</p> <p>9 pharmacist?</p> <p>10 MS. ABSTON: Objection to form.</p> <p>11 THE WITNESS: No, ma'am.</p> <p>12 BY MS. LAGOS:</p> <p>13 Q. Do you have any expertise in pharmacy</p> <p>14 practices?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Do you have any expertise in the</p> <p>17 standard of care for pharmacy dispensing?</p> <p>18 MS. ABSTON: Objection to form.</p> <p>19 THE WITNESS: No, ma'am.</p> <p>20 BY MS. LAGOS:</p> <p>21 Q. Do you agree you're not an expert in the</p> <p>22 practice of pharmacy?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Are you an expert in the processes for</p> <p>25 manufacturing pharmaceutical medications?</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Mr. Briggs, you are not a pathologist.</p> <p>2 Correct?</p> <p>3 A. That is correct.</p> <p>4 Q. Have you ever practiced Psychology or</p> <p>5 Psychiatry?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Do you hold yourself out as a mental</p> <p>8 health professional or psychiatrist?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Have you ever diagnosed or treated an</p> <p>11 addiction or substance use disorder?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Do you consider yourself to be an expert</p> <p>14 in addiction?</p> <p>15 MS. ABSTON: Objection to form.</p> <p>16 THE WITNESS: No, ma'am.</p> <p>17 BY MS. LAGOS:</p> <p>18 Q. Are you an economist?</p> <p>19 MS. ABSTON: Objection to form.</p> <p>20 THE WITNESS: No, ma'am.</p> <p>21 BY MS. LAGOS:</p> <p>22 Q. Are you an epidemiologist?</p> <p>23 MS. ABSTON: Objection to form.</p> <p>24 THE WITNESS: No, ma'am.</p> <p>25 BY MS. LAGOS:</p>	<p style="text-align: right;">Page 45</p> <p>1 MS. ABSTON: Objection. Form.</p> <p>2 THE WITNESS: No, ma'am.</p> <p>3 BY MS. LAGOS:</p> <p>4 Q. Have you ever worked for the FDA or the</p> <p>5 CDC?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Are you an expert in the process for the</p> <p>8 approval and labeling of medications?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Are you an expert in DEA regulations</p> <p>11 with respect to controlled substances?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Are you an expert in pain management or</p> <p>14 the diagnosis and treatment of pain?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Do you have any training or expertise in</p> <p>17 the area of treating pain?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Have you ever written any peer --</p> <p>20 professional literature that was published in a</p> <p>21 peer-reviewed publication?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Have you ever been published or put any</p> <p>24 articles online or blogged about any of your</p> <p>25 professional employment?</p>

12 (Pages 42 - 45)

<p style="text-align: right;">Page 46</p> <p>1 MS. ABSTON: Objection to form. 2 THE WITNESS: No. 3 BY MS. LAGOS: 4 Q. Have you written anything about opioids 5 or overdose -- overdose deaths related to 6 opioids? 7 A. Written? 8 Q. Written anything. Written a blog -- 9 okay. I have to clarify that. That's a poor 10 question. Thank you for -- thank you for making 11 me clarify that. 12 Have you ever published any 13 literature on opioids or opiate overdose deaths? 14 A. No, ma'am. 15 Q. Have you ever given a presentation or 16 taught any classes about opioid overdose deaths? 17 A. Specifically targeted at opioids? Is 18 that your question? 19 Q. No. My question is: Have you ever 20 given any presentation or taught any classes that 21 even included topics, the topic of opioid 22 overdose deaths? 23 MS. ABSTON: Objection. Form. 24 THE WITNESS: Yes. 25 BY MS. LAGOS:</p>	<p style="text-align: right;">Page 48</p> <p>1 at a scene. Indicating factors that the scene 2 may suggest an overdose. 3 Things that investigators key in on 4 to help their investigation. 5 Or signs, changes, possibly found 6 on a body that may indicate an overdose may be 7 involved. 8 BY MS. LAGOS: 9 Q. Okay. I'm going to take those one by 10 one. 11 The first topic that you mentioned 12 was evidence to look for at a scene suggestive of 13 an overdose? 14 A. Yes. 15 Q. Okay. Can you -- still focusing on what 16 you would have said in the presentation. I just 17 dropped my -- sorry. My videographer is going to 18 get mad at me here. I will clip that back on. 19 And, again, I know we don't have 20 the presentation here today and I know you don't 21 have the slides before you, if you use slides. 22 Did you use slides? 23 A. Yes. 24 Q. Okay. Do you think you still have those 25 slides? Do you have those slides in your</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Okay. When did you give -- when and 2 where did you give that presentation? 3 A. I have given several death investigation 4 presentations over the years. 5 Q. Okay. 6 A. I cannot recall dates and locations. 7 Q. Okay. So, the presentations you're 8 referring to are presentations on the topic of 9 death investigations. Is that fair? 10 A. Yes. 11 Q. Okay. And who would you -- who would be 12 the audience for those presentations? 13 A. Law enforcement investigators, crime 14 scene officers, civic groups, college classes. 15 Q. And did you address the topic of opioids 16 within that presentation? 17 A. Yes. 18 Q. Okay. That was a topic you discussed in 19 the presentations. Is that fair? 20 A. Yes. 21 Q. And can you just generally summarize 22 what you have said specifically about opioids in 23 those presentations? 24 MS. ABSTON: Objection. Form. 25 THE WITNESS: Evidence to look for</p>	<p style="text-align: right;">Page 49</p> <p>1 possession? 2 A. In presentations, yes. 3 Q. Okay. But the sitting here today, kind 4 of talking about -- focusing on that topic, the 5 evidence to look for a scene suggestive of -- of 6 overdose, can you summarize for me what you would 7 have said in the presentation to your audience 8 about that? 9 MS. ABSTON: Objection. Objection 10 to form. 11 THE WITNESS: Things to look for 12 that would indicate a possible overdose to 13 include foil, needles, baggies, bottles to 14 include prescription bottles. 15 Paraphernalia used in consuming, 16 smoking, or injecting any type of illegal or 17 legal narcotics. 18 BY MS. LAGOS: 19 Q. My handwriting is terrible here, and I'm 20 having trouble reading what I wrote in Number 2. 21 But we were talking about in the presentations, 22 the topics that you would have discussed, where 23 you would have discussed opioids in the context 24 of the presentations. And I wrote down things 25 investigators believe are key in those</p>

<p style="text-align: right;">Page 50</p> <p>1 investigations?</p> <p>2 MS. ABSTON: Objection to form.</p> <p>3 THE WITNESS: Interviews, paperwork</p> <p>4 found at scenes.</p> <p>5 Medication or medical records.</p> <p>6 All information or evidence that</p> <p>7 would be found at the scene to assist in an</p> <p>8 investigation.</p> <p>9 BY MS. LAGOS:</p> <p>10 Q. And then Number 3 was signs of changes</p> <p>11 on the body?</p> <p>12 MS. ABSTON: Objection. Form.</p> <p>13 THE WITNESS: Yes, ma'am. There</p> <p>14 are certain things we look for on the body</p> <p>15 involving possible overdose, either needle, track</p> <p>16 marks that are obvious, persons dying with the</p> <p>17 paraphernalia still attached to them in their</p> <p>18 arm.</p> <p>19 BY MS. LAGOS:</p> <p>20 Q. Meaning the needle?</p> <p>21 MS. ABSTON: Objection. Form.</p> <p>22 THE WITNESS: Yes, ma'am. And then</p> <p>23 foam comes on a person's mouth or nose that are</p> <p>24 sometimes present.</p> <p>25 BY MS. LAGOS:</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. How many times?</p> <p>3 A. Numerous.</p> <p>4 Q. More than 10?</p> <p>5 A. Yes.</p> <p>6 Q. Has your testimony in the courtroom been</p> <p>7 related to your experience in the Medical --</p> <p>8 Medical Examiner's Office?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And did you also testify at</p> <p>11 trials as a -- as a police officer?</p> <p>12 A. Yes.</p> <p>13 Q. Have you ever testified at a trial other</p> <p>14 than in your capacity as a police officer or as</p> <p>15 presenting the findings -- describing your report</p> <p>16 in the Medical Examiner case?</p> <p>17 A. I'm sorry?</p> <p>18 Q. Yes. That was a bad question.</p> <p>19 Have you ever testified at trial in</p> <p>20 a case that didn't involve -- let me strike the</p> <p>21 question.</p> <p>22 Have you ever testified in a civil</p> <p>23 case? Meaning a non-criminal case, or in a</p> <p>24 non-criminal case?</p> <p>25 A. No, ma'am.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Mr. Briggs, you're not a Medical Doctor.</p> <p>2 Correct?</p> <p>3 A. That is correct.</p> <p>4 MS. LAGOS: I think we have been</p> <p>5 going a little bit. I'm going to try to take</p> <p>6 breaks every hour on the hour. Have we been</p> <p>7 going about an hour yet? This would be a good</p> <p>8 place to take a break.</p> <p>9 Okay. So let's go ahead and take a</p> <p>10 quick restroom break and then we can come back.</p> <p>11 Thank you.</p> <p>12 THE WITNESS: Okay.</p> <p>13 THE VIDEOGRAPHER: We are going off</p> <p>14 the record at 11:03 a.m.</p> <p>15 (Recess taken.)</p> <p>16 THE VIDEOGRAPHER: We are going</p> <p>17 back on the record at 11:13 a.m.</p> <p>18 BY MS. LAGOS:</p> <p>19 Q. Earlier in this deposition, Mr. Briggs,</p> <p>20 we spoke about -- you said you have been deposed</p> <p>21 previously. I think you said about six</p> <p>22 occasions?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Okay. Have you ever testified at trial</p> <p>25 before?</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Okay. Do you have an understanding as</p> <p>2 to the kind of claims and issues in this lawsuit</p> <p>3 that you're sitting for deposition today?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Okay. So you don't have any</p> <p>6 understanding of what this specific case is</p> <p>7 about?</p> <p>8 A. No, ma'am.</p> <p>9 Q. When did you first learn about this</p> <p>10 lawsuit?</p> <p>11 A. Approximately a year and a half or so</p> <p>12 ago.</p> <p>13 Q. Was that when Sadie reached out to you?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Okay. How did you learn about this</p> <p>16 lawsuit?</p> <p>17 A. Mr. Kratovil called me.</p> <p>18 Q. And has Mr. Kratovil ever provided you</p> <p>19 with any documents?</p> <p>20 A. No, ma'am.</p> <p>21 Q. And you understand you are deposed as a</p> <p>22 fact witness for your work in Tarrant County?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Have you ever been asked to serve as an</p> <p>25 expert witness in any area for purposes of this</p>

<p style="text-align: right;">Page 54</p> <p>1 case?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Have you been hired by any of the</p> <p>4 parties in this case?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Are you being compensated for your</p> <p>7 testimony today?</p> <p>8 A. No, ma'am.</p> <p>9 Correction. Are you meaning in</p> <p>10 extra pay or as in my standard hourly rate as a</p> <p>11 salaried employee?</p> <p>12 Q. Are you receiving your standard hour --</p> <p>13 hourly rate as a salaried employee for your</p> <p>14 testimony today?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Are you receiving any additional</p> <p>17 compensation?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Are you aware that there are several</p> <p>20 pharmacies sued in this case including Albertsons</p> <p>21 and Kroger?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Do you have any idea why any of the</p> <p>24 pharmacies were sued in this case?</p> <p>25 A. No, ma'am.</p>	<p style="text-align: right;">Page 56</p> <p>1 use those additional monies?</p> <p>2 MS. ABSTON: Objection to form.</p> <p>3 THE WITNESS: Well, I would lean</p> <p>4 more towards my department in funding my</p> <p>5 department, of course, by adding additional</p> <p>6 staff.</p> <p>7 But there are other departments</p> <p>8 that need additional staff, also.</p> <p>9 BY MS. LAGOS:</p> <p>10 Q. And how many additional staff do you</p> <p>11 believe are needed in your department?</p> <p>12 A. At this present time?</p> <p>13 Q. Yes.</p> <p>14 A. I believe I need four additional</p> <p>15 investigators.</p> <p>16 Q. You started at the Medical Examiner's</p> <p>17 Office in 2001. Correct?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. Do you believe it's been</p> <p>20 underfunded?</p> <p>21 And now, you're still working there</p> <p>22 in 2021? So you've been there about 20 years.</p> <p>23 Is that fair?</p> <p>24 A. I have been there approximately 21 and a</p> <p>25 half years. Almost 22.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Can you personally point to any specific</p> <p>2 conduct by Albertsons or Kroger related to</p> <p>3 opioids that caused harm to Tarrant County?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Are you here to help the County win at</p> <p>6 trial?</p> <p>7 MS. ABSTON: Objection. Form.</p> <p>8 THE WITNESS: No, ma'am.</p> <p>9 BY MS. LAGOS:</p> <p>10 Q. Why are you here testifying today?</p> <p>11 A. I don't know. I have been waiting --</p> <p>12 waiting for somebody to reach out to me and tell</p> <p>13 me why I'm here.</p> <p>14 Q. Do you believe the Medical Examiner's</p> <p>15 Office is underfunded?</p> <p>16 A. In my opinion?</p> <p>17 Q. Yes.</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And why do you believe it's underfunded?</p> <p>20 A. I believe that we don't have sufficient</p> <p>21 staff to cover the volume of death calls and</p> <p>22 tasks that are associated with our office</p> <p>23 responsibilities.</p> <p>24 Q. So if you received additional funding</p> <p>25 for -- or monies for the office, how would you</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Okay. Twenty-one and a half years.</p> <p>2 The entire time that you have been</p> <p>3 in the office, do you believe it's been</p> <p>4 underfunded the entire time you've been with the</p> <p>5 office?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. I'll represent to you that this lawsuit</p> <p>8 relates to prescription opioids. When we talk</p> <p>9 about opioids, do you have -- you have an</p> <p>10 understanding of what an opioid is. Is that</p> <p>11 fair?</p> <p>12 MS. ABSTON: Objection to form.</p> <p>13 BY MS. LAGOS:</p> <p>14 Q. Okay. Let me ask a better question.</p> <p>15 When we talk about opioids, do you</p> <p>16 have an understanding of what an opioid is?</p> <p>17 A. Yes. But in my line of work that should</p> <p>18 be clarified as to types and illegal, legal,</p> <p>19 because of my law enforcement background and our</p> <p>20 death investigation practices.</p> <p>21 Q. And some of the -- in terms of legal</p> <p>22 opioids, legal opioids include prescription</p> <p>23 medication. Correct?</p> <p>24 A. For legal?</p> <p>25 Q. Yes.</p>

15 (Pages 54 - 57)

<p style="text-align: right;">Page 58</p> <p>1 A. Yes.</p> <p>2 Q. Do you know the names of any</p> <p>3 prescription opioid medications?</p> <p>4 A. Yes.</p> <p>5 Q. What are they?</p> <p>6 A. Hydrocodone.</p> <p>7 OxyContin.</p> <p>8 We see morphine tablets or</p> <p>9 methadone liquids.</p> <p>10 Q. An opioid can also include illicit</p> <p>11 non-prescription drugs like heroin. Right?</p> <p>12 A. Yes.</p> <p>13 Q. As a supervisory investigator -- let me</p> <p>14 parse this out. Hold on one second.</p> <p>15 As an investigator with the ME's</p> <p>16 office, your job responsibilities have included</p> <p>17 going to death scenes and collecting evidence</p> <p>18 from a body. Correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did your job responsibilities include</p> <p>21 reviewing any of the evidence collected from the</p> <p>22 different -- did it include reviewing all of the</p> <p>23 evidence collected from the death scene?</p> <p>24 A. Yes.</p> <p>25 Q. Do your responsibilities also include</p>	<p style="text-align: right;">Page 60</p> <p>1 MS. ABSTON: Object to form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. LAGOS:</p> <p>4 Q. Okay. So can you just walk me through</p> <p>5 it? Because I'm just not -- I'm not that</p> <p>6 familiar with your line of work.</p> <p>7 So is it -- is it -- would it often</p> <p>8 be about that the police officers would get to a</p> <p>9 scene first, and they would collect all of the</p> <p>10 evidence at the scene and store it, you know, at</p> <p>11 their facility and then you would get there later</p> <p>12 as the death investigator?</p> <p>13 A. Yes.</p> <p>14 Q. Are there any kinds of evidence that for</p> <p>15 forensic investigators do not collect as a matter</p> <p>16 of policy?</p> <p>17 A. Dangerous, explosive, flammable items at</p> <p>18 times, large bulky items. Items the Police</p> <p>19 Department want to maintain custody of or to send</p> <p>20 to their own laboratories for testing.</p> <p>21 Q. And do investigators collect illegal</p> <p>22 drugs at a scene?</p> <p>23 A. Rare --</p> <p>24 MS. ABSTON: Objection. Form.</p> <p>25 THE WITNESS: Rarely for a death</p>
<p style="text-align: right;">Page 59</p> <p>1 reviewing investigative reports?</p> <p>2 A. Yes.</p> <p>3 Q. And does it include drafting</p> <p>4 investigative reports?</p> <p>5 A. Yes.</p> <p>6 Q. After the evidence is collected at the</p> <p>7 death scene, what happens with it?</p> <p>8 A. Evidence is properly packaged, sealed,</p> <p>9 inventoried, logged into the computer system for</p> <p>10 a -- a chain of custody and then secured in an</p> <p>11 evidence locker pending transfer to the evidence</p> <p>12 custodian, laboratories, or to the law</p> <p>13 enforcement agency that has jurisdiction over the</p> <p>14 case.</p> <p>15 Q. Is the evidence also provided to the</p> <p>16 Medical Examiner?</p> <p>17 A. Yes.</p> <p>18 Q. In your experience investigating death</p> <p>19 scenes, did you ever arrive at a scene to find</p> <p>20 that law enforcement had already removed evidence</p> <p>21 so there was nothing for you to collect?</p> <p>22 MS. ABSTON: Objection. Form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MS. LAGOS:</p> <p>25 Q. Did that happen on many occasions?</p>	<p style="text-align: right;">Page 61</p> <p>1 investigator at the Tarrant County Medical</p> <p>2 Examiner's Office to collect illegal narcotics.</p> <p>3 BY MS. LAGOS:</p> <p>4 Q. Okay. Who -- who will collect them at</p> <p>5 the death scene?</p> <p>6 A. Most of the time, the law enforcement</p> <p>7 investigating agency but not all of the time.</p> <p>8 Q. Okay. So there are some occasions</p> <p>9 where -- where your department will collect</p> <p>10 illegal drugs at a scene?</p> <p>11 A. Yes.</p> <p>12 MS. ABSTON: Objection to form.</p> <p>13 BY MS. LAGOS:</p> <p>14 Q. Is the protocol that the law enforcement</p> <p>15 will typically collect the drugs at the scene?</p> <p>16 A. Typically, yes.</p> <p>17 Q. Okay. Under what circumstances will</p> <p>18 someone from your department collect the drugs at</p> <p>19 the scene?</p> <p>20 A. The patrol officer did not notify a</p> <p>21 crime scene or a homicide detective and is</p> <p>22 reluctant to collect it, themselves.</p> <p>23 The law enforcement officer has</p> <p>24 left the scene prior to our arrival, or the</p> <p>25 illegal narcotics or prescription narcotics were</p>

<p style="text-align: right;">Page 62</p> <p>1 found on the decedent's person and were removed 2 by my staff prior to examination by the doctor. 3 Q. What about prescription narcotics if 4 they're found at the scene? Who collects those? 5 A. It depends on the circumstances, and if 6 it's related to the death or not. 7 Q. Can you describe to me what the policies 8 are for collecting the prescription narcotics at 9 the scene? When to collect versus when not to 10 collect? 11 Kind of just give me an overview. 12 A. Yes. We do not currently collect 13 medications from a crime scene. Unless it's 14 directly related to the death based upon 15 information or evidence we find at the scene. 16 We had too much stored and it's too 17 bulky to store and handle and an issue for 18 storage. It is easier to photograph, transcribe 19 into our reports, document those counts for pill 20 bottles. 21 Not all deaths that we investigate 22 are necessarily drug-related. So they might be 23 photographed but not documented thoroughly as it 24 may not relate to the death by obvious 25 circumstances.</p>	<p style="text-align: right;">Page 64</p> <p>1 or illegal. 2 Q. If the Medical Examiner's Office collect 3 a bottle of prescription medication at the scene, 4 does the office ever do any type of additional 5 investigation of either the prescriber or of the 6 pharmacy associated with those prescriptions? 7 MS. ABSTON: Objection to form. 8 THE WITNESS: Only in possibly 9 using the prescriber information to request 10 medical records. The purpose of what -- of that 11 is to establish a medical history that can assist 12 the doctor during their examination. 13 BY MS. LAGOS: 14 Q. To your knowledge, has the Medical 15 Examiner's Office ever contacted a pharmacy for 16 purposes of investigating the dispensing done by 17 that pharmacy? 18 MS. ABSTON: Objection to form. 19 THE WITNESS: No. 20 BY MS. LAGOS: 21 Q. Are there chain of custody requirements 22 for items found at death scene? 23 A. Yes. 24 Q. Can you describe those requirements? 25 A. When taking in items of evidence, the</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. In your experience, if an investigator 2 observes drug paraphernalia at a -- at a death 3 scene, is it documented? 4 MS. ABSTON: Objection to form. 5 THE WITNESS: Yes. 6 BY MS. LAGOS: 7 Q. And how is it documented? 8 A. By photograph and in narrative writing. 9 Q. The investigators -- and when I say the 10 term "investigators," I mean the investigators 11 that -- in your department. That's what I'm 12 referring to. 13 Do investigators look for evidence 14 of prescription medication at the scene of 15 suspected drug overdoses? 16 MS. ABSTON: Objection. Form. 17 THE WITNESS: Yes. 18 BY MS. LAGOS: 19 Q. Are there any specific types of evidence 20 investigators are looking for if it's a suspected 21 overdose? 22 A. Yes. 23 Q. Can you describe that to me? 24 A. Paraphernalia, pill bottles, baggies, 25 typical evidence related to drug use either legal</p>	<p style="text-align: right;">Page 65</p> <p>1 items are packaged, date and time noted, 2 transported back to the office, inventoried, 3 chain of custody's written in paper form as well 4 as in the computer. 5 The item is then packaged, sealed, 6 and locked in a secure evidence locker pending 7 transfer to evidence custodian or appropriate 8 laboratories for inspection or testing. 9 Q. And are those chain of custody 10 requirements documented somewhere within some 11 kind of policies for the Medical Examiner's 12 Office? 13 A. Yes. 14 Q. I have a document here I don't mark it 15 now, but I have a document here. I may use it 16 later but I just want to show you, this is the 17 Medical Examiner's operating guidelines for the 18 Tarrant County Medical Examiner. 19 Would the chain of custody 20 requirements be found in here? 21 A. Unknown. 22 Q. Okay. 23 A. That's the manual for the doctors. 24 Q. Okay. So for the pathologists? 25 A. Yes.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. Do investigators conduct an examination 2 of the body at the scene? 3 A. A basic external investigation or 4 viewing of a decedent is conducted at the scene 5 if we respond. 6 MS. ABSTON: I just want to note 7 on the record that the witness didn't have the 8 ability to observe the exhibit and it wasn't 9 marked. So, for the record, we object to that 10 line of questioning. 11 MS. LAGOS: Okay. 12 BY MS. LAGOS: 13 Q. Do investigators sometimes interview 14 witnesses or family members at the scene? 15 A. Yes. 16 Q. When law enforcement is at the scene, do 17 law forensic investigators need the approval of 18 law enforcement to interview people? 19 A. No. 20 Q. And ultimately, an investigator drafts a 21 final report that goes into the case file. Is 22 that correct? 23 A. Yes. 24 Q. And to the extent that an investigator 25 would learn something significant during the</p>	<p style="text-align: right;">Page 68</p> <p>1 THE WITNESS: Tracked as in what? 2 BY MS. LAGOS: 3 Q. Kept statistics or numerical values for 4 it. 5 A. I have, yes. 6 Q. Okay. How did you do that? 7 A. I have directed my staff on a recent 8 investigation to track number and location in 9 case details. 10 Q. And you said you did that on a recent 11 occasion? 12 A. Yes. 13 Q. Okay. When did you do that? 14 A. Approximately three months ago. 15 Q. And prior to that time, that was 16 information tracked? 17 A. No. 18 Q. Why did you ask your office to start 19 tracking that information? 20 A. We had sudden spike in possible K2 21 synthetic marijuana deaths over a weekend 22 involving approximately six deaths to an area. 23 And we tracked it to determine a 24 pattern to give to the Police Department for them 25 to investigate.</p>
<p style="text-align: right;">Page 67</p> <p>1 investigation by talking to people at the scene, 2 is it your understanding that they would include 3 that information in the final report? 4 A. Yes. 5 Q. In your experience, if you learned 6 something you thought was significant from 7 talking with people at the death scene, was it 8 your practice to include all that information in 9 the investigative report in whatever form it was 10 at the time? 11 A. Yes. 12 Q. Have you ever personally tracked what 13 the office or you identified as drug-related 14 deaths in Tarrant County? 15 MS. ABSTON: Objection to form. 16 THE WITNESS: I'm sorry. Restate. 17 BY MS. LAGOS: 18 Q. Yeah. Have you ever tracked what you 19 identified as drug-related deaths in Tarrant 20 County? 21 MS. ABSTON: Objection. Form. 22 BY MS. LAGOS: 23 Q. Have you ever personally tracked that 24 information? 25 MS. ABSTON: Objection. Form.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Have you ever tracked that information 2 on any other occasion? 3 MS. ABSTON: Objection. Form. 4 THE WITNESS: No. 5 BY MS. LAGOS: 6 Q. And is it going to be the practice and 7 policy of the office to track that information 8 going forward, or was it for a specific 9 incidents? 10 MS. ABSTON: Objection. Form. 11 THE WITNESS: This was for a 12 specific incident. 13 BY MS. LAGOS: 14 Q. Okay. A specific incident related to K2 15 marijuana death? 16 A. Yes. 17 Q. What is K2 marijuana? 18 A. Synthetic marijuana. "K2" is a street 19 or -- or sales name for a fad that went over a 20 few years, for synthetic marijuana. 21 Q. I want to just cover some basics about 22 the Medical Examiner's Office with you. 23 So generally speaking, the Medical 24 Examiner's task is to determine a manner and 25 cause of death for certain individuals who died</p>

<p style="text-align: right;">Page 70</p> <p>1 within the jurisdiction of the office. Is that 2 correct?</p> <p>3 MS. ABSTON: Objection. Form. 4 THE WITNESS: Yes, ma'am.</p> <p>5 BY MS. LAGOS: 6 Q. And the cause of death, that's the 7 Medical Examiner's medical diagnosis about what 8 caused the death. Is that correct?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. And the manner of death, what does that 11 mean?</p> <p>12 A. The manner of death is the circumstances 13 outlined by the State of Texas as being 14 homicide/suicide accident, natural or 15 undetermined.</p> <p>16 Q. Now, not every individual who dies in 17 Tarrant County falls within the jurisdiction of 18 the Office of the Medical Examiner. Is that 19 correct?</p> <p>20 A. That is correct.</p> <p>21 Q. What type of cases trigger the Office of 22 the Medical Examiner's jurisdiction?</p> <p>23 A. Based upon Texas Code of Criminal 24 Procedure 49.25, the law specifically states that 25 certain deaths fall within our jurisdiction to</p>	<p style="text-align: right;">Page 72</p> <p>1 MS. ABSTON: Objection to form. 2 THE WITNESS: Yes.</p> <p>3 BY MS. LAGOS: 4 Q. Are all cases involving drug overdoses 5 sent for autopsy?</p> <p>6 MS. ABSTON: Objection. Form. 7 THE WITNESS: They are supposed to 8 be sent for examination. But does not 9 necessarily include an autopsy.</p> <p>10 BY MS. LAGOS: 11 Q. Okay. Can you explain to me the 12 difference between the two?</p> <p>13 MS. ABSTON: Objection to form. 14 THE WITNESS: An examination is 15 performed by the doctor. 16 An autopsy is an invasive 17 examination and further description or 18 information on that pathologist, Medical 19 Examiner, is the one who conducts that. Not 20 myself.</p> <p>21 Q. Okay. So all cases involving drug 22 overdoses are either sent for examination or 23 autopsy. Is that fair?</p> <p>24 MS. ABSTON: Objection. Form. 25 THE WITNESS: Yes.</p>
<p style="text-align: right;">Page 71</p> <p>1 include traumatic deaths, suicides, accidents, 2 suspicious deaths, deaths unattended by a doctor 3 outside of a facility, children under six years 4 of age.</p> <p>5 Q. Are natural deaths within the 6 jurisdiction of the Medical Examiner's Office?</p> <p>7 A. At times, yes.</p> <p>8 Q. And the categories you just described, 9 meaning sudden, unexpected, I think you said 10 "violent."</p> <p>11 Are those causes of death, or would 12 those be manners of death?</p> <p>13 A. Manners of death.</p> <p>14 Q. And within these large buckets of the 15 various manners of death, is it the pathologist 16 that determines the immediate cause of death?</p> <p>17 MS. ABSTON: Object to form. 18 THE WITNESS: Yes.</p> <p>19 BY MS. LAGOS: 20 Q. And in terms of what standards would be 21 in how the Medical Examiner ultimately 22 adjudicates the cause and manner of death, those 23 types of decisions and methods, those are 24 questions I should speak to Medical Examiner 25 about and not you. Is that fair?</p>	<p style="text-align: right;">Page 73</p> <p>1 BY MS. LAGOS: 2 Q. Okay. Is the Medical Examiner who 3 determines whether an autopsy will be performed 4 or not?</p> <p>5 A. Yes.</p> <p>6 Q. Do the investigators in the Medical 7 Examiner's Office conduct an investigation of the 8 death scene for each case the Medical Examiner's 9 Office assumes jurisdiction over?</p> <p>10 A. I'm sorry. Say it again. 11 Q. Sure. Do the investigators in the 12 Medical Examiner's Office conduct an 13 investigation of the death scene for each case 14 that the office assumes jurisdiction over?</p> <p>15 A. No.</p> <p>16 Q. Okay. Why not?</p> <p>17 MS. ABSTON: Objection to form. 18 THE WITNESS: Due to manpower 19 shortage other cases working case volume, we are 20 unable to respond to every scene. We must 21 triage, we must prioritize different types of 22 scenes.</p> <p>23 BY MS. LAGOS: 24 Q. Okay. And if your office doesn't go to 25 investigate the scene, who is sent to investigate</p>

<p style="text-align: right;">Page 74</p> <p>1 the scene?</p> <p>2 A. The law enforcement agency. Or the</p> <p>3 medical facility where the person may have died</p> <p>4 at.</p> <p>5 Q. In the circumstances where there is a</p> <p>6 suspected drug overdose, are you aware of any</p> <p>7 times the Medical Examiner's Office has assumed</p> <p>8 jurisdiction but an investigator did not go to</p> <p>9 the death essentially?</p> <p>10 A. Yes.</p> <p>11 Q. So you had -- I think you referred to it</p> <p>12 as a triage, triaging due to, you know, shortage</p> <p>13 of manpower. Is that fair?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So kind of in the hierarchy of</p> <p>16 triage, can you can walk me through what would</p> <p>17 be, you know, a critical scene to send</p> <p>18 investigators to versus a less critical scene to</p> <p>19 send investigators to?</p> <p>20 MS. ABSTON: Objection. Form.</p> <p>21 THE WITNESS: The most important</p> <p>22 one to send an investigator to is a homicide,</p> <p>23 outright detectives, law enforcement,</p> <p>24 investigating an active homicide investigation.</p> <p>25 The next level that would take</p>	<p style="text-align: right;">Page 76</p> <p>1 Office and let's assume that it's a suspected</p> <p>2 accidental drug overdose.</p> <p>3 A call comes in and the office is</p> <p>4 notified about this potential case. What happens</p> <p>5 next? Can you kind of walk me through it?</p> <p>6 MS. ABSTON: Objection to form.</p> <p>7 THE WITNESS: The first thing that</p> <p>8 happens is we get a phone call typically from the</p> <p>9 Police Dispatch Communications Center that a</p> <p>10 death investigator is needed on a scene for a</p> <p>11 death investigation.</p> <p>12 The first thing we do is verify the</p> <p>13 detectives and crime scene officers have been</p> <p>14 notified to respond to the scene, or do we need</p> <p>15 to wait for them to be en route and arrive on the</p> <p>16 scene?</p> <p>17 And we try to coordinate our</p> <p>18 arrival together so that we cannot do duplication</p> <p>19 of work.</p> <p>20 After that is -- the timeline is</p> <p>21 set up so that we can arrange to be there</p> <p>22 together if at all possible.</p> <p>23 We then drive to the scene across</p> <p>24 the county. Scene response may be anywhere from</p> <p>25 minutes to hours, depending on traffic and</p>
<p style="text-align: right;">Page 75</p> <p>1 precedence, would be something in the roadway</p> <p>2 that is obstructing highways in the streets such</p> <p>3 as any type of car wrecks.</p> <p>4 And then down from there would be</p> <p>5 other cases where significant evidence is present</p> <p>6 that needs to be photographed, looked at,</p> <p>7 documented, or something on a body that needs to</p> <p>8 be handled and moved by my staff, the</p> <p>9 investigators, and not law enforcement.</p> <p>10 Q. Okay. And where would drug overdoses</p> <p>11 fall in, in terms of the triage?</p> <p>12 A. Into the category of evidence present at</p> <p>13 a scene that needs to be photographed or</p> <p>14 documented or removed from a decedent.</p> <p>15 The lowest tier would be the 1</p> <p>16 scenes that have no evidence present, nothing</p> <p>17 that we have to remove from a body or that we</p> <p>18 have to catalogue and inventory the scene.</p> <p>19 Q. Understood.</p> <p>20 Can you just give me an overview of</p> <p>21 the kind of lifecycle of a case at the Medical</p> <p>22 Examiner's Office, and I'm just going to kind of</p> <p>23 give you some parameters.</p> <p>24 So I want you to assume it's a case</p> <p>25 within the jurisdiction of the Medical Examiner's</p>	<p style="text-align: right;">Page 77</p> <p>1 location within the county.</p> <p>2 Once arriving at the scene, we</p> <p>3 begin processing the scene, interviewing,</p> <p>4 photographing, conducting an investigation in</p> <p>5 tandem with the law enforcement agency if they</p> <p>6 are present.</p> <p>7 We coordinate with the crime scene</p> <p>8 officer in the identification, photography,</p> <p>9 preservation and collection of evidence at a</p> <p>10 scene.</p> <p>11 And then we coordinate with a</p> <p>12 detective the identification of witnesses,</p> <p>13 victims, family, next of kin in conducting</p> <p>14 interviews.</p> <p>15 Then we begin processing the body</p> <p>16 at the scene and we begin taking photographs of</p> <p>17 the body, documenting wounds, injuries,</p> <p>18 indicators on the body that may assist the</p> <p>19 examining physician in determining the cause and</p> <p>20 manner of death.</p> <p>21 We notified the transport company</p> <p>22 that is subcontracted to our agency to respond</p> <p>23 who then shows up at the scene and assists in</p> <p>24 putting the body in a body bag.</p> <p>25 We then seal the body bag with an</p>

<p style="text-align: right;">Page 78</p> <p>1 evidence seal, and the body is sent up to the 2 Medical Examiner's Office morgue pending 3 examination. 4 The death investigator then 5 finishes up any interviews with families or 6 witnesses, returns to the office where extensive 7 paperwork is either typed or research is done for 8 medical history, medical records, medical 9 treatment plans that have been given to the 10 doctor to assist in them determining a medical 11 history of the decedent or we request police 12 reports and any documents the doctor needs to 13 assist them in their case investigation. 14 All paperwork is then forwarded to 15 the doctor within eight hours of the field 16 investigation and available to the doctor the 17 next morning when the examination is conducted by 18 the doctor typically at our office within a day, 19 maybe two or three, depending on how the case 20 volume was going. 21 The field investigator's job is 22 done unless the doctor needs further follow-up 23 investigation such as medical records, additional 24 witness statements or something. 25 The investigator's involvement</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. And that's determined by the Medical 2 Examiner, you said earlier? 3 MS. ABSTON: Objection to the form. 4 THE WITNESS: Yes, ma'am. 5 BY MS. LAGOS: 6 Q. And for suspected drug overdose cases, 7 is it required that an autopsy be performed? 8 A. I don't know. 9 Q. In cases where the autopsies -- where 10 autopsies are performed, then does -- do the 11 pathologists complete autopsy reports? 12 MS. ABSTON: Objection. Form. 13 THE WITNESS: As far as I know, 14 yes. 15 BY MS. LAGOS: 16 Q. And do you know what types of 17 information are contained within those autopsy 18 reports? 19 A. I do not type those reports and cannot 20 speak to that. 21 Q. And in your role as an investigator, do 22 you ever have the opportunity to review autopsy 23 reports? 24 A. Yes. 25 Q. Okay. Kind of under what circumstances</p>
<p style="text-align: right;">Page 79</p> <p>1 typically ends at that time. 2 BY MS. LAGOS: 3 Q. Understood. That was a very helpful 4 overview. 5 Does the investigator draft an 6 investigative report? 7 A. Yes. 8 Q. Okay. So at the conclusion of all of 9 that, then the investigator drafts an 10 investigative report? 11 A. Yes. 12 Q. Okay. And then that becomes part of the 13 scene for that case. Is that fair? 14 A. Yes. 15 MS. LAGOS: I think -- I don't 16 know. Did I say "scene"? 17 THE COURT REPORTER: That's what I 18 heard. 19 MS. LAGOS: I meant to say "part of 20 the file for that case." 21 BY MS. LAGOS: 22 Q. How does the ME's office determine 23 whether or not to perform an autopsy? 24 A. That is out of my purview. It's not my 25 job to determine that.</p>	<p style="text-align: right;">Page 81</p> <p>1 would that occur where you would be reviewing the 2 autopsy report? 3 A. When a case may be re-visited or a 4 detective calls up for a -- to review a case, 5 typically involving old cases. 6 Q. Okay. So you have had the 7 opportunity -- the occasion to review autopsy 8 reports, but it's not typically part of your -- 9 of your role and duties. Is that fair? 10 A. Yes. 11 Q. And on those occasions where you have 12 had the opportunity to review autopsy reports, 13 have you ever seen a pharmacy identified therein? 14 A. No. 15 Q. A few moments ago, we were speaking 16 about the process for the investigation of the 17 death scene. 18 When an investigator is evaluating 19 the death scene, is one of the steps in the 20 evaluation to figure out what evidence or 21 materials may be with or around the body that 22 should be documented? 23 A. Yes. 24 Q. Do investigators take notes during death 25 scene investigations?</p>

<p style="text-align: right;">Page 82</p> <p>1 A. Yes.</p> <p>2 Q. And where do those notes go?</p> <p>3 A. They are transcribed into our computer</p> <p>4 reports.</p> <p>5 Q. So does that mean that they become --</p> <p>6 ultimately there's an investigator report but is</p> <p>7 there an appendix of that containing all of the</p> <p>8 individual notes?</p> <p>9 A. Our policy is that handwritten notes if</p> <p>10 they are transcribed completely in to the report,</p> <p>11 the handwritten notes may be discarded.</p> <p>12 Q. An investigator is at a scene to</p> <p>13 investigate a suspected drug overdose. Is there</p> <p>14 anything specific that an investigator would do</p> <p>15 for that type of death as opposed to another kind</p> <p>16 of death in the investigation process?</p> <p>17 A. Yes.</p> <p>18 Q. Can you describe to me what they would</p> <p>19 do a little bit differently in a death scene</p> <p>20 involving a drug overdose?</p> <p>21 A. We would search more for medications or</p> <p>22 narcotics, not just prescription or illegal but,</p> <p>23 also, over-the-counter.</p> <p>24 Q. So I am investigator, let's say the drug</p> <p>25 overdose occurs in a residence. The investigator</p>	<p style="text-align: right;">Page 84</p> <p>1 documented in the report.</p> <p>2 Q. So taking it, for example, a drug</p> <p>3 overdose case that occurs in a residence, in a</p> <p>4 case like that, would all of the medication in</p> <p>5 the home be including over-the-counter, would</p> <p>6 that be inventoried and documented within the</p> <p>7 investigative report?</p> <p>8 MS. ABSTON: Objection to form.</p> <p>9 THE WITNESS: Some of it, yes.</p> <p>10 Some over-the-counter or some prescription</p> <p>11 medications may not be typical of an overdose.</p> <p>12 BY MS. LAGOS:</p> <p>13 Q. So those groups of medications, those</p> <p>14 would not necessarily be documented and included</p> <p>15 in the report. Is that fair?</p> <p>16 A. Yes.</p> <p>17 Q. When prescription medications are found</p> <p>18 at the scene and documented, how are they</p> <p>19 documented?</p> <p>20 A. In photographs and in writing in the</p> <p>21 computer report.</p> <p>22 Q. Does the form where it's documented</p> <p>23 contain any line for identifying the pharmacy or</p> <p>24 the doctor?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 83</p> <p>1 will look through the residence for evidence of</p> <p>2 medications?</p> <p>3 A. Yes.</p> <p>4 Q. And then document all the medications</p> <p>5 found?</p> <p>6 A. Yes.</p> <p>7 Q. And said we said earlier, we discussed</p> <p>8 earlier, the investigators don't always collect</p> <p>9 all of those medications. Correct?</p> <p>10 A. Yes.</p> <p>11 Q. Because it becomes a -- excessively</p> <p>12 bulky. Is that right?</p> <p>13 A. Yes.</p> <p>14 Q. But those medications that are found at</p> <p>15 the scene by the investigator, are they mentioned</p> <p>16 or inventoried in the report?</p> <p>17 A. Yes, when applicable.</p> <p>18 Q. And how do you determine what's</p> <p>19 applicable and what's not applicable?</p> <p>20 A. If the scene suggests that drugs or</p> <p>21 narcotics were involved in the death, they would</p> <p>22 be documented in the computer system.</p> <p>23 If the scene is suggestive of not</p> <p>24 having anything to do with narcotics or drugs,</p> <p>25 they may not be investigated or may not be</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Is there a separate line for the</p> <p>2 pharmacy?</p> <p>3 A. Yes.</p> <p>4 Q. And that then becomes part of the file?</p> <p>5 A. Yes.</p> <p>6 Q. Are the investigators supposed to label</p> <p>7 the -- sorry. Strike.</p> <p>8 Is the investigator supposed to</p> <p>9 also photograph the label of the prescription</p> <p>10 medications found at the scene?</p> <p>11 A. Yes.</p> <p>12 Q. And in your experience during your time</p> <p>13 at the Medical Examiner's Office, investigators</p> <p>14 have collected or photographed prescription</p> <p>15 medications at a death scene if the investigator</p> <p>16 thought it would be pertinent to the cause of</p> <p>17 death determination. Is that correct?</p> <p>18 MS. ABSTON: Objection. Form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. LAGOS:</p> <p>21 Q. Do you know how the Medical Examiner</p> <p>22 determines whether or not a decedent's</p> <p>23 medications were being taken in accordance with</p> <p>24 the prescription rate. Right?</p> <p>25 MS. ABSTON: Objection. Form.</p>

<p style="text-align: right;">Page 86</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MS. LAGOS:</p> <p>3 Q. How do they make that determination?</p> <p>4 MS. ABSTON: Objection. Form.</p> <p>5 THE WITNESS: By reading the label</p> <p>6 and making a count of the remaining pills in the</p> <p>7 pill bottle as an indicator that the count may be</p> <p>8 off and may be pertinent to the case.</p> <p>9 BY MS. LAGOS:</p> <p>10 Q. What type of information would an</p> <p>11 investigator provide to a Medical Examiner, if</p> <p>12 any, to be able to determine -- so the Medical</p> <p>13 Examiner could determine whether the prescription</p> <p>14 medications were being taken appropriately by the</p> <p>15 decedent?</p> <p>16 A. As --</p> <p>17 MS. ABSTON: Objection. Form.</p> <p>18 THE WITNESS: As appropriate, the</p> <p>19 investigator may make note in the report that the</p> <p>20 count appears off.</p> <p>21 BY MS. LAGOS:</p> <p>22 Q. Is anything else other than the pill</p> <p>23 count methodology?</p> <p>24 A. Interviews with the family, witnesses,</p> <p>25 text messages on the phone call, physical</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. During your time at the office, has</p> <p>2 there been a metric or target in terms of case</p> <p>3 turnaround time in terms of how long it should</p> <p>4 take to get a case processed by the office?</p> <p>5 A. Involving? Can you clarify?</p> <p>6 Q. Sure.</p> <p>7 A. My staff?</p> <p>8 Q. No. Involving just the office</p> <p>9 generally, a case turnaround time.</p> <p>10 MS. ABSTON: Object to form.</p> <p>11 THE WITNESS: I'm aware at one time</p> <p>12 there were requirements for accreditation</p> <p>13 requirements but I'm not familiar with that</p> <p>14 because that does not apply to the death</p> <p>15 investigator section.</p> <p>16 BY MS. LAGOS:</p> <p>17 Q. Okay. And in terms of this investigator</p> <p>18 report, what's the turnaround time for -- for</p> <p>19 those, if any?</p> <p>20 A. Investigator reports are required to be</p> <p>21 to the doctors the very next morning that the</p> <p>22 examinations are being conducted.</p> <p>23 Under state law and Code of</p> <p>24 Criminal Procedure, investigative reports used in</p> <p>25 an inquest should be to the doctor within eight</p>
<p style="text-align: right;">Page 87</p> <p>1 evidence found at the scene.</p> <p>2 Q. I will mark this.</p> <p>3 (Deposition Exhibit Number 1 is</p> <p>4 marked.)</p> <p>5 BY MS. LAGOS:</p> <p>6 Q. I'm going to hand you what I have marked</p> <p>7 as "Exhibit 1."</p> <p>8 MS. LAGOS: Here you go, Counselor.</p> <p>9 MS. ABSTON: Thank you.</p> <p>10 BY MS. LAGOS:</p> <p>11 Q. It's Bates labeled "TARRANT_00708616."</p> <p>12 Can you just take it apart and flip</p> <p>13 through and take a look at the document front of</p> <p>14 you?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. All right. In terms of Exhibit 1,</p> <p>17 applying your review of Exhibit 1, if you turn to</p> <p>18 Page 2 of the exhibit, it states "Investigators</p> <p>19 Report." Correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Is this document representative</p> <p>22 of a typical investigator's report that an</p> <p>23 investigator would prepare following a death</p> <p>24 scene investigation?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 89</p> <p>1 hours of the investigation.</p> <p>2 Q. And looking through the report in front</p> <p>3 of you, can you point to me where the</p> <p>4 investigator's notes would be captured?</p> <p>5 A. The page that starts "investigative</p> <p>6 report" with the -- what appears to be the</p> <p>7 narrative page, I believe it will be one, two,</p> <p>8 three, Page 4.</p> <p>9 Q. Is that -- does it say "8621" at the</p> <p>10 bottom, the Bates? The Bates numbers in the</p> <p>11 corner down here.</p> <p>12 A. It starts at 8619.</p> <p>13 Q. Okay.</p> <p>14 A. I think you went too far.</p> <p>15 Q. Yeah.</p> <p>16 A. Okay.</p> <p>17 Q. 8619. Okay.</p> <p>18 A. That page. The next page. This is</p> <p>19 duplicated. 8621 is duplicate.</p> <p>20 Q. Yes. I see that.</p> <p>21 A. Continue on to 8623. 8623 is what we</p> <p>22 call "addendums" or additions for follow-up notes</p> <p>23 and investigations.</p> <p>24 So those pages would be my</p> <p>25 narrative for my investigative staff and their</p>

<p style="text-align: right;">Page 90</p> <p>1 notes.</p> <p>2 Q. So all of the investigator's notes would</p> <p>3 be captured in both the main report and then any</p> <p>4 addendums attached thereto. Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And after the investigator report</p> <p>7 is completed, can you tell me what happens to the</p> <p>8 document?</p> <p>9 I know that it's provided to the</p> <p>10 Medical Examiner. Is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And then does it also go into --</p> <p>13 do you have to also put it into your system and</p> <p>14 make sure that it's filed, or can you tell me how</p> <p>15 it's preserved?</p> <p>16 A. Yes. After typing it into the computer</p> <p>17 system and we make -- we print out hard copies,</p> <p>18 the hardcopies are put into Tyvek envelopes that</p> <p>19 are then made available to the doctors the very</p> <p>20 next morning prior to their examination.</p> <p>21 They are then physically handed off</p> <p>22 to the examining physician that is assigned the</p> <p>23 case, and it leaves my -- my custody, control,</p> <p>24 for the investigators.</p> <p>25 The physical hardcopy report and</p>	<p style="text-align: right;">Page 92</p> <p>1 documents are kind of collected and then it</p> <p>2 becomes part of the file. And then the Records</p> <p>3 Department completes this top page?</p> <p>4 A. Yes.</p> <p>5 Q. Is that fair? Okay.</p> <p>6 Are you responsible for the</p> <p>7 protocols to insure the accuracy reliability of</p> <p>8 investigative reports?</p> <p>9 A. Yes.</p> <p>10 Q. Are those protocols memorialized in</p> <p>11 writing?</p> <p>12 A. Yes.</p> <p>13 Q. And where are they kept?</p> <p>14 A. The Tarrant County Medical Examiner's</p> <p>15 Qualtrax reporting system.</p> <p>16 Q. What is Qualtrax?</p> <p>17 A. Qualtrax, Q-u-a-l-t-r-a-x, is an SOP</p> <p>18 management software the county uses for housing</p> <p>19 our SOPs for each department.</p> <p>20 Q. But those protocols are captured in the</p> <p>21 SOPs for the Investigator Department --</p> <p>22 Investigative Department. Is that -- is that</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Do you agree standards are</p>
<p style="text-align: right;">Page 91</p> <p>1 any associated documents that we have obtained</p> <p>2 are all handed to the doctor in that case folder.</p> <p>3 Q. And then, do you know what the doctor</p> <p>4 does with it after reviewing the document?</p> <p>5 A. It becomes their custody for them to add</p> <p>6 anything to and use in their investigation.</p> <p>7 Q. And then their notes are then added into</p> <p>8 the document?</p> <p>9 A. I can't speak to their --</p> <p>10 Q. Okay.</p> <p>11 A. -- actions and what they do.</p> <p>12 Q. Because this file, it looks like it has</p> <p>13 a cover page here. Right? And says, "MI</p> <p>14 documents, investigative report, investigator</p> <p>15 narrative, cause of death report over here."</p> <p>16 Do you see that there?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Okay.</p> <p>19 A. This page is a Records Department</p> <p>20 checklist of what may be included with that</p> <p>21 specific case.</p> <p>22 Q. Understood. So your department doesn't</p> <p>23 figure -- doesn't fill out this, the front page?</p> <p>24 A. No, ma'am.</p> <p>25 Q. Is that fair? Okay. All of the</p>	<p style="text-align: right;">Page 93</p> <p>1 necessary to ensure the accuracy and reliability</p> <p>2 of investigative reports?</p> <p>3 A. Yes.</p> <p>4 Q. Other than the SOPs you just described</p> <p>5 to me, is there any other place where those</p> <p>6 standards would -- would be memorialized?</p> <p>7 A. Old hard copies, modern only in the</p> <p>8 Qualtrax. Depends on what timeframe you're</p> <p>9 looking at.</p> <p>10 Q. Does the office ever conduct internal</p> <p>11 audits pertaining to the investigative reports?</p> <p>12 A. No, ma'am.</p> <p>13 Q. So there's no auditing system to ensure</p> <p>14 the accuracy of investigative reports. Is that</p> <p>15 correct?</p> <p>16 A. Not at this present time, no, ma'am.</p> <p>17 Q. When the Office of the Medical Examiner</p> <p>18 finishes its investigation of cases, the officer</p> <p>19 files the official cause and manner of death.</p> <p>20 Correct?</p> <p>21 A. Yes.</p> <p>22 Q. And that official certified cause and</p> <p>23 manner of death represents the Office of the</p> <p>24 Medical Examiner's best medical judgement as to</p> <p>25 the cause and manner of death. Correct?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. Yes.</p> <p>2 Q. Sometimes it's very challenging to</p> <p>3 determine the cause of death. Correct?</p> <p>4 MS. ABSTON: Objection to form.</p> <p>5 THE WITNESS: I would not know. I</p> <p>6 don't determine cause and manner of death.</p> <p>7 BY MS. LAGOS:</p> <p>8 Q. Do you agree that a key function of -- a</p> <p>9 key function of the Office of the Medical</p> <p>10 Examiner is to maintain accurate mortality data?</p> <p>11 MS. ABSTON: Objection. Form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. LAGOS:</p> <p>14 Q. Do you play any role in maintaining that</p> <p>15 data?</p> <p>16 A. No.</p> <p>17 Q. Maintaining accurate mortality data</p> <p>18 serves a public health function for the State.</p> <p>19 Do you agree?</p> <p>20 A. Yes.</p> <p>21 Q. And the postmortem setting, is there a</p> <p>22 test that can be performed to diagnose an</p> <p>23 addiction?</p> <p>24 MS. ABSTON: Objection. Form.</p> <p>25 THE WITNESS: I am not a doctor and</p>	<p style="text-align: right;">Page 96</p> <p>1 long a decedent has been prescribed a medication</p> <p>2 and at what quantities and daily use values as it</p> <p>3 pertains to their toxicology results for</p> <p>4 tolerance levels.</p> <p>5 BY MS. LAGOS:</p> <p>6 Q. Fair to day you have never seen a report</p> <p>7 or document in the Medical Examiner's Office that</p> <p>8 said that any pharmacy caused the death of any</p> <p>9 individual. Is that accurate?</p> <p>10 A. Yes.</p> <p>11 Q. Have you ever offered an official</p> <p>12 opinion regarding prescribing practices or</p> <p>13 prescribing levels in Tarrant County?</p> <p>14 MS. ABSTON: Objection. Form.</p> <p>15 THE WITNESS: No.</p> <p>16 BY MS. LAGOS:</p> <p>17 Q. In your role with the Medical Examiner's</p> <p>18 Office, have you ever taken a position on whether</p> <p>19 opioids, whether prescription -- wait. Let me</p> <p>20 rephrase that.</p> <p>21 In your role at the Medical</p> <p>22 Examiner's Office, have you ever taken a position</p> <p>23 on whether prescription opioids should be banned?</p> <p>24 A. No.</p> <p>25 MS. ABSTON: Objection. Form.</p>
<p style="text-align: right;">Page 95</p> <p>1 aware of anything.</p> <p>2 BY MS. LAGOS:</p> <p>3 Q. Okay. When the Office of the Medical</p> <p>4 Examiner is working on a drug overdose</p> <p>5 investigation, does the Office of the Medical</p> <p>6 Examiner try to answer the question of whether</p> <p>7 that individual had a substance use disorder or</p> <p>8 addiction to any particular drug while they were</p> <p>9 alive?</p> <p>10 MS. ABSTON: Objection. Form.</p> <p>11 THE WITNESS: I'm not aware of any.</p> <p>12 BY MS. LAGOS:</p> <p>13 Q. When the Office of the Medical Examiner</p> <p>14 is working on a drug overdose investigation, does</p> <p>15 the office ever try to set out to try to recreate</p> <p>16 that individual's substance use history while</p> <p>17 they were alive?</p> <p>18 MS. ABSTON: Objection to form.</p> <p>19 THE WITNESS: At times if needed,</p> <p>20 yes.</p> <p>21 BY MS. LAGOS:</p> <p>22 Q. Under what circumstances?</p> <p>23 MS. ABSTON: Objection. Form.</p> <p>24 THE WITNESS: When an examining</p> <p>25 physician determines they need to find out how</p>	<p style="text-align: right;">Page 97</p> <p>1 BY MS. LAGOS:</p> <p>2 Q. If I have questions about the medical</p> <p>3 standards of care for the prescribing of opioids,</p> <p>4 are those questions that you're able to answer,</p> <p>5 or do you agree that's outside the scope of your</p> <p>6 knowledge as an investigator?</p> <p>7 A. That is outside of the scope of my role.</p> <p>8 Q. During the course of time at the Medical</p> <p>9 Examiner's Office, have you ever been responsible</p> <p>10 for identifying whether there was a crisis or an</p> <p>11 epidemic with respect to drug overdoses?</p> <p>12 A. Yes.</p> <p>13 Q. Under what circumstances?</p> <p>14 A. As previously stated, the recent K2</p> <p>15 synthetic marijuana.</p> <p>16 Q. Any other -- on any other occasion that</p> <p>17 you can recall? We spoke employ the K2.</p> <p>18 Was there -- were you asked to make</p> <p>19 a determination on any other occasion?</p> <p>20 A. No, ma'am.</p> <p>21 Q. In your role at the Medical Examiner's</p> <p>22 Office, did you ever receive any information from</p> <p>23 a prescription drug monitoring program?</p> <p>24 A. Yes.</p> <p>25 Q. Does the Medical Examiner's Office</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 utilize any prescription drug monitoring programs 2 in connection with its overdose cases? 3 A. Yes. 4 Q. Do you recall when they started 5 utilizing those programs? 6 A. Only in the last five years, 7 approximately. And it has only become standard 8 use in approximately the last year. 9 Q. So they started using the program about 10 five years ago? 11 A. Yes. 12 Q. You said it's become standard use in the 13 last year? 14 A. Yes. 15 Q. Okay. Can you describe to me how the 16 office uses those program? 17 A. Yes, ma'am. The original purpose for 18 using it was so that we could locate doctors and 19 we could then find medical records for -- to 20 determine prescribed medical history. 21 But more importantly, their 22 diagnosed medical history as it relates to an 23 autopsy or examination by the doctor. 24 We do not look at it for opioid 25 levels. We're looking at it more for identifying</p>	<p style="text-align: right;">Page 100</p> <p>1 second. 2 So prior to five years ago, your 3 office didn't have any access to the -- to the 4 program? 5 A. Yes. 6 Q. Okay. Then five years ago, your office 7 was granted access to the program? But it was 8 used very minimally just to find medical records 9 information? 10 A. Yes. 11 Q. Is that fair? Okay. 12 And it was not used to assess 13 whether the decedent had been pill shopping. Is 14 that fair? 15 MS. ABSTON: Objection. Form. 16 THE WITNESS: Yes. Yes. 17 BY MS. LAGOS: 18 Q. And then you said one year ago, you 19 began to use that program a little bit 20 differently? 21 A. Yes. 22 Q. Okay. And why did you change the way 23 you used the program? Why did the office change 24 the way it uses the program? 25 A. The Tarrant County Medical Examiner's</p>
<p style="text-align: right;">Page 99</p> <p>1 doctors and prescribing physicians. So that we 2 can then get treatment records from those. 3 In recent years, however, we have 4 begun utilizing it to determine if the patient is 5 obtaining prescriptions from multiple locations 6 and if it appears that the decedent is 7 pill-seeking or getting large quantities of 8 medication. 9 Q. Okay. And you said that you have been 10 using it for that purpose in recent years? 11 A. Yes. 12 Q. Okay. When? When you say "recent 13 years," what timeframe? 14 A. Within the last year. 15 Q. Okay. So it's -- 16 A. We've had it for about five years and it 17 was used for that purpose. We have increased the 18 use of it. 19 The Medical Examiner's Office was 20 not originally granted access to it. It was 21 difficult to get access to it. And at five years 22 ago only, I believe, two of us had access to the 23 it. And it was just the procedures and the way 24 it was set up in the state of Texas. 25 Q. Okay. So we'll just walk through that a</p>	<p style="text-align: right;">Page 101</p> <p>1 Office changed the Chief Medical Examiner for the 2 office and administrative procedures or processes 3 changed. 4 The new chief Medical Examiner was 5 told about the program, and he encouraged us to 6 use it more actively. 7 Q. Is there a protocol at the office that 8 governs when the prescription drug monitoring 9 program needs to be searched in a particular 10 case? 11 A. No. 12 Q. Do you know what percentage of drug 13 overdose cases the Office of the Medical Examiner 14 runs a PDMP search of? 15 A. No. 16 Q. Are you able estimate whether it's more 17 or less than 50 percent of the cases? 18 MS. ABSTON: Objection. Form. 19 THE WITNESS: I do not know. 20 BY MS. LAGOS: 21 Q. Is the PDMP search recorded in the case 22 file? 23 A. Sometimes. 24 Q. When is it included versus not included? 25 MS. ABSTON: Objection to form.</p>

<p style="text-align: right;">Page 102</p> <p>1 THE WITNESS: When data was found</p> <p>2 that may assist in the case investigation.</p> <p>3 BY MS. LAGOS:</p> <p>4 Q. Have you or anyone in the office ever</p> <p>5 searched to see who was the manufacturer of any</p> <p>6 pharmaceutical medication involved in a case?</p> <p>7 A. No.</p> <p>8 Q. During the course of your death</p> <p>9 investigations, did you ever evaluate</p> <p>10 prescriptions to determine whether they were</p> <p>11 written for a legitimate medical purpose?</p> <p>12 MS. ABSTON: Objection. Form.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MS. LAGOS:</p> <p>15 Q. Did you ever look at a prescription --</p> <p>16 did you ever look at any prescriptions that were</p> <p>17 reflected in a PDMP search to determine whether</p> <p>18 the pharmacist properly dispensed those</p> <p>19 prescription?</p> <p>20 MS. ABSTON: Objection. Form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MS. LAGOS:</p> <p>23 Q. So based on your experience and tenure</p> <p>24 at the office, is it accurate to say that you</p> <p>25 don't have any information about whether any</p>	<p style="text-align: right;">Page 104</p> <p>1 "Authorities" being DEA Diversion Unit.</p> <p>2 Q. And would those conversations be</p> <p>3 memorialized in the files of the Medical</p> <p>4 Examiner's Office?</p> <p>5 A. Yes.</p> <p>6 Q. And what happened with any of those</p> <p>7 particular investigations? Those would be</p> <p>8 questions for the law enforcement agency. Is</p> <p>9 that fair?</p> <p>10 MS. ABSTON: Objection. Form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. LAGOS:</p> <p>13 Q. In circumstances where that has</p> <p>14 occurred, once that report is made, the Office of</p> <p>15 the Medical Examiner defers to the law</p> <p>16 enforcement agency in terms of the investigation</p> <p>17 and prosecution. Correct?</p> <p>18 A. Yes.</p> <p>19 Q. Has the Office of the Medical Examiner</p> <p>20 ever reported a Texas pharmacist to the relevant</p> <p>21 authorities for improperly dispensing drugs?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. Have you ever had any responsibilities</p> <p>24 for the budget at the Office of the Medical</p> <p>25 Examiner's Office?</p>
<p style="text-align: right;">Page 103</p> <p>1 particular prescription was appropriate,</p> <p>2 prescribed or filled?</p> <p>3 A. Yes.</p> <p>4 Q. Has the Office of the Medical Examiner</p> <p>5 ever come to the conclusion that a pharmacist was</p> <p>6 engaged in conduct that contributed to an</p> <p>7 overdose death is that something that the Office</p> <p>8 of the Medical Examiner would report to the</p> <p>9 relevant authorities?</p> <p>10 MS. ABSTON: Objection to form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. LAGOS:</p> <p>13 Q. If the Office of the Medical Examiner</p> <p>14 came to the conclusion that a prescriber was</p> <p>15 engaged in misconduct that contributed to an</p> <p>16 overdose death, is that something that the Office</p> <p>17 of the Medical Examiner would report to the</p> <p>18 authorities?</p> <p>19 A. Yes.</p> <p>20 Q. To your knowledge, has the Office of the</p> <p>21 Medical Examiner ever reported a Texas doctor or</p> <p>22 other prescriber to law enforcement for</p> <p>23 improperly prescribing medications?</p> <p>24 A. I can't recall a specific doctor. I do</p> <p>25 know we have had conversations with authorities.</p>	<p style="text-align: right;">Page 105</p> <p>1 A. Yes.</p> <p>2 Q. Can you describe your role in the budget</p> <p>3 process?</p> <p>4 A. I recommend budgetary items and</p> <p>5 requests, purchase budgetary items involving my</p> <p>6 department.</p> <p>7 Q. Can you -- is the budget process an</p> <p>8 annual process, or is it quarterly?</p> <p>9 A. Annual.</p> <p>10 Q. Have you ever made a basic budget</p> <p>11 request tied to drug overdose cases?</p> <p>12 A. No.</p> <p>13 Q. Is the Office of the Medical Examiner</p> <p>14 able to identify any costs that it incurred</p> <p>15 either in dollars or resources specifically as a</p> <p>16 result of prescriptions opioids?</p> <p>17 A. I would not know that answer.</p> <p>18 Q. With respect to your department, are you</p> <p>19 able to identify any costs that your department</p> <p>20 incurred either in dollars or resources</p> <p>21 specifically as a result of prescription opioids?</p> <p>22 A. Not at this time.</p> <p>23 Q. Fair to say you don't break down your</p> <p>24 budget or costs that way?</p> <p>25 MS. ABSTON: Objection to form.</p>

<p style="text-align: right;">Page 106</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MS. LAGOS:</p> <p>3 Q. Does the Office of Medical Examiner</p> <p>4 track or break down it's budget expenditures</p> <p>5 based on cases attributable to any particular</p> <p>6 substance?</p> <p>7 A. I don't know.</p> <p>8 Q. Can you identify any costs that your</p> <p>9 department has incurred either in dollars or</p> <p>10 resources specifically caused by opioids?</p> <p>11 A. Not at this time. I would need time to</p> <p>12 prepare or research any such document or request.</p> <p>13 Q. And if you were to research any such</p> <p>14 requests, how would you go about doing that?</p> <p>15 A. I would have to identify statistical</p> <p>16 numbers involved using the computer system.</p> <p>17 I would have to then determine what</p> <p>18 supplies would be used for packaging or</p> <p>19 preserving evidence and manpower staffing hours</p> <p>20 and any other supplies needed that involved my</p> <p>21 department. That is nothing I track or have</p> <p>22 available.</p> <p>23 MS. LAGOS: I think we have been</p> <p>24 going about another hour. Let's take another</p> <p>25 10-minute break, if that works.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. All right. During the course of your</p> <p>2 education and training, Mr. Briggs, were you</p> <p>3 taught anything about the abuse of -- abuse</p> <p>4 potential of medications?</p> <p>5 A. Not that I recall.</p> <p>6 Q. In your role as the Tarrant County</p> <p>7 Medical Examiner's Office, has it ever been your</p> <p>8 job to identify and kind of make announcements or</p> <p>9 whether there's a public health crisis?</p> <p>10 A. No. Not prior to Dr. Crowns coming into</p> <p>11 office and taking over administration.</p> <p>12 In the last year, he has been more</p> <p>13 proactive for that and encourages me to come</p> <p>14 forward if we see a problem.</p> <p>15 Q. Okay. And since -- since that time</p> <p>16 where he has come in, have you made any</p> <p>17 announcements on whether there is a public health</p> <p>18 crisis?</p> <p>19 A. Yes.</p> <p>20 Q. And how many announcements did you make?</p> <p>21 A. One.</p> <p>22 Q. Okay. Was that announcement relating to</p> <p>23 that K2 marijuana crisis?</p> <p>24 A. Yes.</p> <p>25 Q. Did that K2 marijuana event, did that</p>
<p style="text-align: right;">Page 107</p> <p>1 MS. ABSTON: Do you want to go</p> <p>2 ahead and break for lunch?</p> <p>3 MS. LAGOS: We can. That's fine.</p> <p>4 MS. ABSTON: Okay.</p> <p>5 MS. LAGOS: Let's do that. I mean,</p> <p>6 if you want to.</p> <p>7 THE VIDEOGRAPHER: We're going off</p> <p>8 the record at 12:30 p.m.</p> <p>9 (Luncheon recess.)</p> <p>10 THE VIDEOGRAPHER: We are going</p> <p>11 back on the record at 1:28 p.m.</p> <p>12 BY MS. LAGOS:</p> <p>13 Q. All right. Mr. Briggs, did you have a</p> <p>14 good lunch?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Okay. Did you have lunch with any of</p> <p>17 the attorneys that are here today on your behalf</p> <p>18 at the deposition?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Who did you have lunch with?</p> <p>21 A. Mark Kratovil with the Tarrant County</p> <p>22 District Attorney's Office.</p> <p>23 Q. And during the lunch, did you discuss</p> <p>24 this case?</p> <p>25 A. No, ma'am.</p>	<p style="text-align: right;">Page 109</p> <p>1 involve opioids?</p> <p>2 A. No.</p> <p>3 Q. What was causing the deaths in that K2</p> <p>4 marijuana crisis in your opinion?</p> <p>5 A. In my opinion, it was the manufacturer</p> <p>6 of the synthetic chemicals on it.</p> <p>7 Q. Have you ever been responsible for</p> <p>8 declaring on behalf of the county whether there</p> <p>9 is a public health crisis?</p> <p>10 A. Am I responsible?</p> <p>11 Q. Have you ever been?</p> <p>12 A. Yes.</p> <p>13 Q. On how many occasions have you been</p> <p>14 responsible for declaring whether there is a</p> <p>15 public health crisis?</p> <p>16 A. I have not declared a public health</p> <p>17 crisis. I have issued a media release involving</p> <p>18 heat-related deaths in Tarrant County last</p> <p>19 summer.</p> <p>20 Q. And heat related deaths, you mean deaths</p> <p>21 caused by extreme -- extreme heat. Is that fair?</p> <p>22 A. Yes.</p> <p>23 Q. So we have now talked about the K2</p> <p>24 marijuana crisis and the extreme heat death</p> <p>25 crisis.</p>

<p style="text-align: right;">Page 110</p> <p>1 Have you ever declared any</p> <p>2 public -- any other public health crisis?</p> <p>3 A. I do not declare health crises at all in</p> <p>4 my job description. CI issues media releases or</p> <p>5 coordinate the research on the latest K2 thing.</p> <p>6 No, ma'am.</p> <p>7 Q. Okay. Thank you.</p> <p>8 Have you ever been -- we talked</p> <p>9 about the heat-related deaths on the K2</p> <p>10 marijuana. Have you ever been in the declaration</p> <p>11 of any other health crises?</p> <p>12 A. No.</p> <p>13 Q. Do you have a personal view as to</p> <p>14 whether there is a significant problem related to</p> <p>15 opioid overdoses in Tarrant County?</p> <p>16 A. No.</p> <p>17 Q. The Office of the Medical Examiner</p> <p>18 prepares an annual report. Correct?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever had any role in preparing</p> <p>21 the annual reports?</p> <p>22 A. No.</p> <p>23 Q. Have you ever had any responsibilities</p> <p>24 related to the reporting -- to reporting</p> <p>25 statistics about drug-related deaths in Tarrant</p>	<p style="text-align: right;">Page 112</p> <p>1 MS. LAGOS: Yeah. Of course.</p> <p>2 BY MS. LAGOS:</p> <p>3 Q. And if you could just direct me to the</p> <p>4 section --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- where you would have some</p> <p>7 responsibility?</p> <p>8 A. Page 27.</p> <p>9 Q. Okay.</p> <p>10 A. The stats at the bottom of that page</p> <p>11 come from me.</p> <p>12 Q. All right. So at the bottom of Page 27,</p> <p>13 for the record, it says, "Forensic Death</p> <p>14 Investigations."</p> <p>15 And one of the categories is</p> <p>16 Service Requests.</p> <p>17 The other one is Protocol and</p> <p>18 Property Letters.</p> <p>19 The other one is Body Releases.</p> <p>20 And the last one is Property</p> <p>21 Releases.</p> <p>22 So, the information contained</p> <p>23 within this chart, there are the statistics that</p> <p>24 comes from your department. Is that fair?</p> <p>25 A. Yes, ma'am.</p>
<p style="text-align: right;">Page 111</p> <p>1 County that are -- well, strike that question.</p> <p>2 Have you ever had any</p> <p>3 responsibilities relating to any of the</p> <p>4 statistics that are reported within those annual</p> <p>5 reports?</p> <p>6 A. Yes.</p> <p>7 Q. Can you describe your responsibilities?</p> <p>8 A. The specifics -- specifically defined in</p> <p>9 the Death Investigation section that are provided</p> <p>10 to the administrator when she creates a report.</p> <p>11 I think there is approximately</p> <p>12 three stats or things that she lists in our area.</p> <p>13 Q. Okay. I'm going to pull out one of</p> <p>14 the -- I will try to put out one of the more</p> <p>15 recent ones. Maybe you can show me that section?</p> <p>16 MS. LAGOS: Can I get another</p> <p>17 exhibit sticker? I'm going to do 2? Yeah.</p> <p>18 (Deposition Exhibit Number 2 is</p> <p>19 marked.)</p> <p>20 BY MS. LAGOS:</p> <p>21 Q. I am now handing you Exhibit 2 which is</p> <p>22 the Tarrant County Medical Examiner District</p> <p>23 Annual Report for 2021.</p> <p>24 MS. LAGOS: There you go.</p> <p>25 MS. ABSTON: Thank you.</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. Okay. And your department doesn't have</p> <p>2 any responsibility for any of the other</p> <p>3 statistics contained in the report. Correct?</p> <p>4 A. No, ma'am.</p> <p>5 Q. I think that question came out a little</p> <p>6 funny so I'll just read it back to you.</p> <p>7 Is it fair to say that your</p> <p>8 department isn't responsible for any of the other</p> <p>9 statistics referenced in the report?</p> <p>10 A. Yes.</p> <p>11 Q. Does the Medical Examiner's Office have</p> <p>12 a data set that has the information where they</p> <p>13 could tell us of the number of deaths in 2022</p> <p>14 that were drug overdose deaths, how many of those</p> <p>15 involved any kind of opioid?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Where would that information be</p> <p>18 captured?</p> <p>19 A. In Crypt, our computer system. The name</p> <p>20 of the computer program is Crypt, C-r-y-p-t.</p> <p>21 Q. And has that information been contained</p> <p>22 in Crypt since you started at the Medical</p> <p>23 Examiner's Office?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. And how would you search for that</p>

<p style="text-align: right;">Page 114</p> <p>1 information within Crypt?</p> <p>2 A. I would go to the search screen. I can</p> <p>3 search by date period, I can search by manner of</p> <p>4 death and I can search by cause of death keyword.</p> <p>5 Based upon that, I would use</p> <p>6 keyword search for any number of important</p> <p>7 phrases or words needed to meet the parameters.</p> <p>8 Outside of that, the only other way</p> <p>9 would be an offline search through IT.</p> <p>10 Q. And what do you mean an offline search</p> <p>11 through IT?</p> <p>12 A. Programmers would have to -- our</p> <p>13 computer system is not search friendly and</p> <p>14 doesn't have a lot of search fields. They would</p> <p>15 have to search through any other fields other</p> <p>16 than that.</p> <p>17 If you were requesting different</p> <p>18 types of fields, they would have to be through an</p> <p>19 IT offline search.</p> <p>20 Q. Would the Medical Examiner's Office know</p> <p>21 how many cases they've dealt with a drug overdose</p> <p>22 deaths where the decedent had a prescription for</p> <p>23 opioids written in their name?</p> <p>24 A. Not that I'm aware of.</p> <p>25 Q. Currently, how would you assess the</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Okay. This is a document summarizing a</p> <p>2 sting operation at the ME office. Right?</p> <p>3 A. Yes, ma'am.</p> <p>4 MS. ABSTON: Objection. Form.</p> <p>5 THE WITNESS: Yes, ma'am.</p> <p>6 BY MS. LAGOS:</p> <p>7 Q. Why don't you describe what the document</p> <p>8 is to me.</p> <p>9 A. It is -- it is my personal notes</p> <p>10 involving an internal investigation into</p> <p>11 suspected theft of medications from our</p> <p>12 prescription holding and storage area by an</p> <p>13 employee.</p> <p>14 Q. And the purpose of the operation was to</p> <p>15 determine if the employee was stealing</p> <p>16 medications collected at the scene?</p> <p>17 A. Yes.</p> <p>18 MS. ABSTON: Objection to form.</p> <p>19 BY MS. LAGOS:</p> <p>20 Q. Okay. This operation involved two</p> <p>21 bottles of hydrocodone?</p> <p>22 A. Yes.</p> <p>23 Q. And hydrocodone is an opiate medication.</p> <p>24 Correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 115</p> <p>1 quality of the Tarrant County Medical Examiner's</p> <p>2 Office?</p> <p>3 A. Good.</p> <p>4 Q. Has that answer changed during the</p> <p>5 tenure of your career, or has it maintained that</p> <p>6 level throughout your career?</p> <p>7 MS. ABSTON: Objection to form.</p> <p>8 THE WITNESS: It has been that</p> <p>9 level.</p> <p>10 BY MS. LAGOS:</p> <p>11 Q. I'm sorry. I didn't hear you. You said</p> <p>12 it has been that level?</p> <p>13 A. It has been that level.</p> <p>14 MS. LAGOS: I will mark another</p> <p>15 document. Could I have another exhibit sticker?</p> <p>16 Thank you.</p> <p>17 (Deposition Exhibit Number 3 is</p> <p>18 marked.)</p> <p>19 BY MS. LAGOS:</p> <p>20 Q. I'm handing you what's been marked as</p> <p>21 "Exhibit 3," it's TARRANT_00709343 is the Bates.</p> <p>22 Can you take a look at that?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Does this document look familiar to you?</p> <p>25 A. Yes, ma'am.</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. Can you describe the operation?</p> <p>2 A. We suspected that medication bottles had</p> <p>3 been collected at a crime scene and brought to</p> <p>4 our office for storage and that we believed that</p> <p>5 during the storage process, someone had entered</p> <p>6 the storage packaging containers and removed</p> <p>7 pills from the box. We suspected we had an</p> <p>8 internal theft and set up an operation to</p> <p>9 determine if that was true.</p> <p>10 These are my notes for that</p> <p>11 investigation.</p> <p>12 Q. And at the conclusion of the operation,</p> <p>13 it was your notes that -- it was your conclusion</p> <p>14 that four pills were indeed missing from one of</p> <p>15 the bottles. Right?</p> <p>16 A. I believe that's true.</p> <p>17 Q. And who was the suspect in the</p> <p>18 investigation?</p> <p>19 A. A former employee named James Greenwell.</p> <p>20 He is noted in the report as "Jim." I believe</p> <p>21 his formal name is "James."</p> <p>22 Q. And was Mr. Greenwell an employee of the</p> <p>23 Medical Examiner's Office?</p> <p>24 A. Yes.</p> <p>25 Q. What kind of employee?</p>

<p style="text-align: right;">Page 118</p> <p>1 A. He was a Forensic Death Investigator I.</p> <p>2 Q. Is he still with the office?</p> <p>3 A. No.</p> <p>4 Q. Was he terminated after this operation?</p> <p>5 A. I do not know. I was not the Chief</p> <p>6 Investigator at the time.</p> <p>7 I do not know if he was terminated</p> <p>8 or if he resigned, but he no longer worked with</p> <p>9 us after this operation.</p> <p>10 Q. Was this the only operation of its kind</p> <p>11 that you engaged in, or did you engage in other</p> <p>12 operations similar to this?</p> <p>13 A. This was the only one I did. I don't</p> <p>14 know of any other ones outside of this.</p> <p>15 Q. Okay. Even though you didn't engage in</p> <p>16 any others, are you aware of any others that took</p> <p>17 place?</p> <p>18 A. No.</p> <p>19 Q. All right. I'm going to mark the</p> <p>20 Medical Examiner's Operating Guidelines, dated</p> <p>21 July 1, 2019.</p> <p>22 MS. LAGOS: Can I put a sticker on</p> <p>23 this? I only have two copies of this.</p> <p>24 MS. ABSTON: Okay.</p> <p>25 MS. LAGOS: If you want to look on.</p>	<p style="text-align: right;">Page 120</p> <p>1 following."</p> <p>2 And then if you turn to that next</p> <p>3 page, it says, under Number 4 -- there's many</p> <p>4 things mentioned but under 4, it says, "The</p> <p>5 presence of prescriptions and over-the-counter</p> <p>6 medications."</p> <p>7 Do you see that?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. Is -- is there a similar protocol</p> <p>10 for death scenes not involving sudden un --</p> <p>11 unexplained deaths in infancy?</p> <p>12 A. I'm sorry?</p> <p>13 Q. Is this -- yeah. Is this the same</p> <p>14 protocol for any deaths not inviting -- involving</p> <p>15 the sudden unexplained deaths in infancy?</p> <p>16 A. No. That is standard for --</p> <p>17 Q. Okay. So this is standard protocol?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So standard protocol for all</p> <p>20 death scene investigations to photograph the</p> <p>21 presence of prescriptions and over-the-counter</p> <p>22 medications. Is that fair?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Okay. Considering the tenure of your</p> <p>25 time with the office, were you familiar with</p>
<p style="text-align: right;">Page 119</p> <p>1 MS. ABSTON: Given the length of</p> <p>2 the document, you can take your time reviewing</p> <p>3 it.</p> <p>4 THE WITNESS: Okay.</p> <p>5 (Deposition Exhibit Number 4 is</p> <p>6 marked.)</p> <p>7 BY MS. LAGOS:</p> <p>8 Q. This one is marked "TARRANT_00894123,"</p> <p>9 for Bates. It's entitled, "Medical Examiner's</p> <p>10 Operating Guidelines, Effective July 1, 2019."</p> <p>11 If you turn to TARRANT_00894140, so</p> <p>12 look for 4140 on the bottom of the Bates there.</p> <p>13 If you turn to that page.</p> <p>14 A. 140.</p> <p>15 Q. Yeah.</p> <p>16 A. My page starts with "duty doctor."</p> <p>17 Q. Yeah. Actually it's the next page.</p> <p>18 Sorry. It's the section titled, "Sudden</p> <p>19 Unexplained Deaths in Infancy." If you turn to</p> <p>20 Page 145. It's -- That section is titled "Scope</p> <p>21 of the Investigation" kind of at the bottom of</p> <p>22 the page.</p> <p>23 A. Okay.</p> <p>24 Q. It says, "Standard documentation of</p> <p>25 death scene should include at a minimum the</p>	<p style="text-align: right;">Page 121</p> <p>1 Dr. Nizam Peerwani?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Okay. Who is Dr. Peerwani?</p> <p>4 A. Dr. Peerwani was the Chief Medical</p> <p>5 Examiner for the Tarrant County Medical</p> <p>6 Examiner's Office and District. He was employed</p> <p>7 by the County for approximately 42 years.</p> <p>8 Q. And when -- Dr. Peerwani is no longer</p> <p>9 with the office. Correct?</p> <p>10 A. That is correct. He recently retired</p> <p>11 approximately a year and a half ago.</p> <p>12 Q. Do you know who Dr. Marc Krouse is?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Who is Dr. Marc Krouse?</p> <p>15 A. Dr. Krouse was the Deputy Chief Medical</p> <p>16 Examiner under Dr. Peerwani during his tenure.</p> <p>17 Q. And is Mister -- is Dr. Krouse with the</p> <p>18 office?</p> <p>19 A. No.</p> <p>20 Q. When did he leave the office?</p> <p>21 A. Approximately three years ago.</p> <p>22 Q. Are you aware of the reasons for -- for</p> <p>23 Dr. Krouse -- what is your understanding of the</p> <p>24 reason for Dr. Krouse's departure from the</p> <p>25 office?</p>

<p style="text-align: right;">Page 122</p> <p>1 A. His issues involving an autopsy of a 2 homicide suspect and problems with his report. 3 Q. And what happened? 4 MS. ABSTON: Objection. Form. 5 THE WITNESS: Dr. Peerwani 6 conducted a review of the report and then the 7 examination done by Dr. Krouse and found errors 8 in the report and procedures that Dr. Krouse had 9 done. 10 BY MS. LAGOS: 11 Q. And can you describe those errors? 12 MS. ABSTON: Objection to form. 13 THE WITNESS: As best I can recall, 14 it was errors in regards to not looking at an 15 X-ray, not documenting a wound accurately. 16 And then several clerical errors in 17 regards to medical records. 18 BY MS. LAGOS: 19 Q. As a result of those errors, did 20 Dr. Peerwani suspend Dr. Krouse? 21 MS. ABSTON: Objection. Form. 22 THE WITNESS: Yes, ma'am. 23 BY MS. LAGOS: 24 Q. And then, ultimately, Dr. Peerwani 25 decided -- decided to conduct some additional</p>	<p style="text-align: right;">Page 124</p> <p>1 MS. ABSTON: Objection. Form. 2 THE WITNESS: What I read in the 3 newspapers, it was not discussed with me 4 directly, but it involved what is public record 5 as clerical errors or documentation errors with 6 examinations and calling into question 7 Dr. Krouse's capabilities. 8 BY MS. LAGOS: 9 Q. And at some point after those additional 10 audits, the Dallas County District Attorney's 11 Office actually began an investigation into 12 Dr. Krouse. Correct? 13 MS. ABSTON: Objection to form. 14 THE WITNESS: I do not know 15 officially. I heard that they had been consulted 16 in the media, but I don't know if that actually 17 took place or what was done. 18 BY MS. LAGOS: 19 Q. And ultimately, Dr. Krouse was put on 20 administrative leave. Correct? 21 MS. ABSTON: Objection to form. 22 THE WITNESS: Yes. 23 BY MS. LAGOS: 24 Q. And then shortly thereafter Dr. Peerwani 25 himself, notified county leaders that he intended</p>
<p style="text-align: right;">Page 123</p> <p>1 audits of Dr. Krouse's homicide cases. Correct? 2 MS. ABSTON: Objection. Form. 3 THE WITNESS: It is my 4 understanding, yes. 5 BY MS. LAGOS: 6 Q. The -- during those additional audits 7 which numbered approximately 40 additional 8 audits, Dr. Peerwani found numerous mistakes were 9 made. Is that fair? 10 MS. ABSTON: Objection. 11 THE WITNESS: I am not involved in 12 any -- 13 MS. ABSTON: Objection. Form. 14 THE WITNESS: I was not involved in 15 any aspect of those cases, reviews, audits or 16 anything. 17 BY MS. LAGOS: 18 Q. Okay. But you were aware that 19 Dr. Peerwani conducted some additional audits of 20 Dr. Krouse's cases. Correct? 21 MS. ABSTON: Objection to form. 22 THE WITNESS: Yes. 23 BY MS. LAGOS: 24 Q. And tell me what your understanding of 25 what those additional audits revealed.</p>	<p style="text-align: right;">Page 125</p> <p>1 to retire. Correct? 2 MS. ABSTON: Objection. Form. 3 THE WITNESS: Somewhere after that, 4 yes, ma'am. 5 BY MS. LAGOS: 6 Q. Well, I believe Krouse -- Dr. Krouse was 7 put on administrative leave in March 25 of 2021. 8 And then in April, on April 1st of 9 2021, Dr. Peerwani notified county leaders that 10 he intend to retire? 11 MS. ABSTON: Objection to form. 12 Is that a question? 13 BY MS. LAGOS: 14 Q. Is that your -- is that consistent with 15 your recollection of the timeline? 16 A. I do not recall the date on it, ma'am. 17 I know that Dr. Krouse was put out first on 18 leave. And then Dr. Peerwani retired after that. 19 Q. And in April of 2021, a judge actually 20 found that Dr. Peerwani had provided false and 21 misleading testimony against a man who was 22 sentenced to death and was on death row. 23 Correct? 24 MS. ABSTON: Objection to form. 25 THE WITNESS: I have no information</p>

<p style="text-align: right;">Page 126</p> <p>1 to that, ma'am.</p> <p>2 BY MS. LAGOS:</p> <p>3 Q. Did you hear anything about that?</p> <p>4 A. I read the news, yes, ma'am.</p> <p>5 Q. When -- did you see that in the</p> <p>6 newspaper?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Did you speak about it with any of your</p> <p>9 colleagues at the Medical Examiner's Office?</p> <p>10 MS. ABSTON: Objection to form.</p> <p>11 THE WITNESS: No, ma'am.</p> <p>12 BY MS. LAGOS:</p> <p>13 Q. When was your new Medical Examiner</p> <p>14 appointed?</p> <p>15 A. Approximately a year and a half ago.</p> <p>16 Q. What is their name?</p> <p>17 A. The new Chief Medical Examiner is</p> <p>18 Dr. Kendall, K-e-n-d-a-l-l, last name Crowns,</p> <p>19 C-r-o-w-n-s, M.D.</p> <p>20 Q. Under Dr. Crowns' leadership, have there</p> <p>21 been any changes within your department at the</p> <p>22 Medical Examiner's Office?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Can you describe to me some of those</p> <p>25 changes?</p>	<p style="text-align: right;">Page 128</p> <p>1 templates involving different types of deaths.</p> <p>2 You would see it in our narrative for a -- a</p> <p>3 structured, Q & A better for answering questions</p> <p>4 involving certain types of deaths such as a motor</p> <p>5 vehicle death.</p> <p>6 BY MS. LAGOS:</p> <p>7 Q. Have any of the -- strike that.</p> <p>8 Do any of the changes relate</p> <p>9 specifically to opioid overdose death</p> <p>10 investigations?</p> <p>11 A. No, ma'am.</p> <p>12 MS. LAGOS: I think I am done with</p> <p>13 my questions at this point in time. I'm going to</p> <p>14 turn it over to Ms. Daniels to ask a few</p> <p>15 questions.</p> <p>16 MS. DANIELS: Where did you leave</p> <p>17 off? Exhibit 4. Right?</p> <p>18 MS. LAGOS: Exhibit 4.</p> <p>19 THE VIDEOGRAPHER: Good with that.</p> <p>20 MS. DANIELS: That's fine.</p> <p>21 MS. ABSTON: And just to clarify,</p> <p>22 Ms. Daniels, you are also with Albertsons.</p> <p>23 Right?</p> <p>24 MS. DANIELS: Yes.</p> <p>25 MR. BARRETT: I will give this to</p>
<p style="text-align: right;">Page 127</p> <p>1 A. Procedures involving evidence handling,</p> <p>2 body handling, report writing.</p> <p>3 Q. Anything else?</p> <p>4 A. Not that I recall at this time.</p> <p>5 Q. And how have the procedures regarding</p> <p>6 evidence handling changed under Dr. Crowns'</p> <p>7 leadership?</p> <p>8 A. It involves the tagging of bodies, the</p> <p>9 sealing of body bags, the preservation of</p> <p>10 evidence on the bodies not removing property or</p> <p>11 evidence from the bodies in the field for fear of</p> <p>12 contaminating the body prior to the doctor</p> <p>13 conducting an examination.</p> <p>14 So, now we leave everything in</p> <p>15 place as much as possible, seal it in a body bag,</p> <p>16 put a body bag seal on it and leave it for the</p> <p>17 examining doctor to -- to inspect in place,</p> <p>18 document and review and they will then turn it</p> <p>19 over to us.</p> <p>20 Q. And then you also mentioned some changes</p> <p>21 with respect to report writing?</p> <p>22 MS. ABSTON: Objection. Form.</p> <p>23 THE WITNESS: Yes, ma'am. Yes,</p> <p>24 ma'am.</p> <p>25 We implemented some better</p>	<p style="text-align: right;">Page 129</p> <p>1 the Court Reporter to mark "Exhibit 5," or I can</p> <p>2 mark it.</p> <p>3 (Deposition Exhibit Number 5 is</p> <p>4 marked.)</p> <p>5 EXAMINATION</p> <p>6 BY MS. DANIELS:</p> <p>7 Q. So what you have as "Exhibit 5," it's a</p> <p>8 document ending in '92014.</p> <p>9 Do you recognize this e-mail as an</p> <p>10 e-mail that you sent in May of 2021?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And in this e-mail you were sending some</p> <p>13 instruction to FBI staff so that would be the</p> <p>14 Forensic Death Investigator on staff. Correct?</p> <p>15 A. Yes.</p> <p>16 Q. So in the e-mail, you are instructing</p> <p>17 the staff to watch out for counterfeit</p> <p>18 medications that are being found -- that were</p> <p>19 found to have fentanyl in them.</p> <p>20 What is your understanding of what</p> <p>21 a counterfeit medication is?</p> <p>22 MS. ABSTON: Objection. Form.</p> <p>23 THE WITNESS: A counterfeit</p> <p>24 medication would be one not produced by a</p> <p>25 legitimate pharmaceutical company and sold</p>

<p style="text-align: right;">Page 130</p> <p>1 legitimately through a prescription service or 2 pharmacy. One that is sold on a street level by 3 dealers and not packaged properly. 4 BY MS. DANIELS: 5 Q. So these counterfeit medications, they 6 wouldn't be any sort of medication that would 7 have come from a Defendant pharmacy in this case? 8 MS. ABSTON: Objection to form. 9 THE WITNESS: Not that I'm aware 10 of. 11 BY MS. DANIELS: 12 Q. Is there a problem with counterfeit 13 medications that -- that contains fentanyl in 14 Tarrant County? 15 A. Yes, ma'am. 16 Q. Have you noticed that it's becoming more 17 widespread in recent years through these 18 investigations? 19 A. Yes, ma'am. 20 Q. When these counterfeit medications are 21 found on the scene, what -- what is done with 22 that? Are they sent off for testing? 23 MS. ABSTON: Objection. Form. 24 THE WITNESS: That is not the death 25 investigator's job to -- to send stuff off for</p>	<p style="text-align: right;">Page 132</p> <p>1 whenever the deaths starting becoming so 2 numerous, when it became an every day thing that 3 we were seeing, that it became to the point that 4 everybody knew common knowledge, and blue N30 5 found on a scene outside of proper packaging 6 laying on the ground or in a piece of foil as 7 this picture demonstrates, is probably a 8 street-related counterfeit pill. 9 MS. DANIELS: I don't think I have 10 any further questions. 11 BY MS. DANIELS: 12 Q. When it is documented based on the 13 investigation scene, will there be notes on -- in 14 the investigator's report or in the notes that 15 they that they take that they suspect, is there a 16 specific location that is suspected counterfeit 17 or fentanyl? 18 MS. ABSTON: Objection. Form. 19 THE WITNESS: There will be a note 20 that they were observed or found on scene and a 21 note on the disposition on whether or not we had 22 to take it or the law enforcement had to take it. 23 BY MS. DANIELS: 24 Q. But are there any notes to the point of 25 suspecting that they are counterfeit or contain</p>
<p style="text-align: right;">Page 131</p> <p>1 testing. 2 We either photograph and document 3 in the report and ask the Police Department to 4 seize them as evidence or if they don't seize it, 5 we may seize it as evidence, and we would put it 6 into evidence for the doctors to view or future 7 testing if needed or transfer back to the law 8 enforcement agency. 9 BY MS. DANIELS: 10 Q. So in the investigation report, the 11 investigators would note whether they suspect 12 these to be counterfeit medications? 13 MS. ABSTON: Objection. Form. 14 THE WITNESS: Sometimes it might 15 say that. Most of the time, it's just merely an 16 observation that they are found, not a conclusion 17 drawn as to whether or not they are, in fact, 18 counterfeit or not. They're merely documenting 19 the presence of them. 20 BY MS. DANIELS: 21 Q. When did the investigators start 22 documenting the presence of counterfeit 23 medications in fentanyl, that also may contain 24 fentanyl? 25 A. At some time in the last two years,</p>	<p style="text-align: right;">Page 133</p> <p>1 fentanyl for the reasons that were briefly 2 mentioned earlier about being on the foil, 3 outside of the usual packaging? 4 MS. ABSTON: Objection to form. 5 THE WITNESS: No field testing is 6 done by my staff at all to determine the presence 7 or absence of fentanyl or any type of opioids in 8 it. And my staff cannot testify as to whether or 9 not it is, in fact, a counterfeit item or not. 10 It appears to us at the time, that 11 it may be a counterfeit item, but we do no 12 testing in the field for anything like that. 13 MS. DANIELS: Thank you. I have no 14 further questions. 15 MS. LAGOS: I would just like to 16 attach Mr. Briggs' personnel file as "Exhibit 6." 17 We will just mark it as "Exhibit 6" to the 18 deposition. 19 (Deposition Exhibit Number 6 is 20 marked.) 21 MS. LAGOS: I don't have any 22 questions about it. 23 MS. ABSTON: Okay. Yeah. 24 MS. LAGOS: I'm handing this to 25 Court Reporter. This is -- I think it's actually</p>

<p style="text-align: right;">Page 134</p> <p>1 a duplicate, so.</p> <p>2 MS. ABSTON: Okay. There are</p> <p>3 multiple copies probably.</p> <p>4 MS. LAGOS: Yeah.</p> <p>5 MS. ABSTON: Okay. Okay. You can</p> <p>6 give me one.</p> <p>7 MS. LAGOS: I'm not sure if the</p> <p>8 other Defendants have any questions. We're done</p> <p>9 with our questioning.</p> <p>10 Any other questions?</p> <p>11 Kiley, any questions from you?</p> <p>12 MS. AYCOCK: I don't think -- I</p> <p>13 don't think I'm going to have any today.</p> <p>14 MS. ABSTON: Do you mind if we take</p> <p>15 a five-minute break?</p> <p>16 MS. LAGOS: Absolutely. Yeah.</p> <p>17 MS. ABSTON: So we can wrap up.</p> <p>18 THE VIDEOGRAPHER: We're going off</p> <p>19 the record at 2:03 p.m.</p> <p>20 (Recess taken.)</p> <p>21 THE VIDEOGRAPHER: We are going</p> <p>22 back on the record at 2:12 p.m.</p> <p>23 MS. ABSTON: Okay. Plaintiffs</p> <p>24 don't have any questions.</p> <p>25 I just want to thank you for your</p>	<p style="text-align: right;">Page 136</p> <p>1 IN THE UNITED STATES DISTRICT COURT FOR THE</p> <p>2 NORTHERN DISTRICT OF OHIO</p> <p>3 EASTERN DIVISION</p> <p>4 IN RE NATIONAL PRESCRIPTION §</p> <p>5 OPIATE LITIGATION §</p> <p>6 THIS DOCUMENT RELATES TO: § MDL No. 2804</p> <p>7 § Case No. 17-md-2804</p> <p>8 §</p> <p>9 Track Nine: § Judge Dan Aaron Polster</p> <p>10 Tarrant County, Texas §</p> <p>11 (Case No. 1:18-op-45274-DAP) §</p> <p>12 DEPOSITION OF JOHN PAUL BRIGGS</p> <p>13 June 7, 2023</p> <p>14 I, Suzanne Kelly, RDR, CRR, in and for the State</p> <p>15 of Texas hereby certify to the following:</p> <p>16 That the witness, JOHN PAUL BRIGGS, was duly</p> <p>17 sworn by the officer and that the transcript of the</p> <p>18 videotaped oral deposition is a true record of the</p> <p>19 testimony given by the witness;</p> <p>20 That the deposition transcript was submitted on</p> <p>21 the ____ day of ____, 2023, to the witness for</p> <p>22 examination, signature and return to Suzanne Kelly by</p> <p>23 the ____ day of ____, 2023;</p> <p>24 That the amount of time used by each party at the</p> <p>25 deposition is as follows:</p> <p>Ms. Lagos: Two hours and 46 minutes used;</p> <p>That pursuant to the information given to the</p> <p>deposition officer at the time said testimony was</p> <p>taken, the following includes counsel for all parties</p> <p>of record:</p>
<p style="text-align: right;">Page 135</p> <p>1 time today, Mr. Briggs. And thank you for coming</p> <p>2 out.</p> <p>3 MS. LAGOS: Thank you, Mr. Briggs.</p> <p>4 Very nice to meet you.</p> <p>5 THE VIDEOGRAPHER: We are going off</p> <p>6 the record at 2:12 p.m.</p> <p>7 (Deposition concluded at 2:12 p.m.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 137</p> <p>1 Alex Abston, Esq.</p> <p>2 -and-</p> <p>3 Leila Ayachi, Esq.</p> <p>4 THE LANIER LAW FIRM, P.C.</p> <p>5 10940 W. Sam Houston Pkwy N.</p> <p>6 Suite 100</p> <p>7 Houston, Texas 77064</p> <p>8 713.659.5200</p> <p>9 alex.abston@lanierlawfirm.com</p> <p>10 leila.ayachi@lanierlawfirm.com</p> <p>11 Alexandra Bach Lagos, Esq.</p> <p>12 GREENBERG TRAURIG, L.L.P.</p> <p>13 333 SE 2nd Avenue</p> <p>14 Suite 4400</p> <p>15 Miami, Florida 33131</p> <p>16 305.579.0813</p> <p>17 alexandra.lagos@gtlaw.com</p> <p>18 Kristina D. "Kristie" Daniels, Esq.</p> <p>19 GREENBERG TRAURIG, L.L.P.</p> <p>20 77 West Wacker Drive</p> <p>21 Suite 3100</p> <p>22 Chicago, Illinois 60601</p> <p>23 312.476.5005</p> <p>24 danielskr@gtlaw.com</p> <p>25 Kiley Aycock, Esq.</p> <p>QUILLING, SELANDER, LOWNDS, WINSLETT & MOSER, P.C.</p> <p>2001 Bryan Street</p> <p>Suite 1800</p> <p>Dallas, Texas 75201</p> <p>214.880.1809</p> <p>kaycock@qslwm.com</p> <p>Mark Kratovil, Esq.</p> <p>Assistant Criminal District Attorney</p> <p>County of Tarrant</p> <p>401 West Belknap</p> <p>9th Floor</p> <p>Fort Worth, Texas 76196</p> <p>817.844.1233</p>

<p style="text-align: right;">Page 138</p> <p>1 I further certify that I am neither counsel for, related to, nor employed by any of the parties or 2 attorneys in the action in which this proceeding was taken, and further that I am not financially or 3 otherwise interested in the outcome of the action. 4 In witness whereof, I have this date subscribed my name of <u>Suzanne Kelly</u> 5 6 7 8 Suzanne Kelly Certified Shorthand Reporter 9 Certificate Number: 1260 Expiration Date: 11/30/2023 Registered Diplomat Reporter 10 Certified Realtime Reporter Realtime Systems Analyst 11 Certificate of Merit Reporter Certified Livenote Reporter 12 VERITEXT LEGAL SOLUTIONS Firm Registration No. 571 13 300 Throckmorton Street Suite 1600 14 Fort Worth, Texas 76102 817.336.3042 1.800.336.4000 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 140</p> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS 2 3 ASSIGNMENT REFERENCE NO: 5925735 CASE NAME: National Prescription Opiate Litigation - Track 9 (Tarrant County) v. DATE OF DEPOSITION: 6/7/2023 4 WITNESS' NAME: John Paul Briggs 5 In accordance with the Rules of Civil Procedure, I have read the entire transcript of 6 my testimony or it has been read to me. 7 I have made no changes to the testimony as transcribed by the court reporter. 8 9 Date <u>John Paul Briggs</u> 10 Sworn to and subscribed before me, a Notary Public in and for the State and County, 11 the referenced witness did personally appear and acknowledge that: 12 They have read the transcript; 13 They signed the foregoing Sworn Statement; and 14 Their execution of this Statement is of their free act and deed. 15 I have affixed my name and official seal 16 this ____ day of _____, 20____. 17 18 Notary Public 19 Commission Expiration Date 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 139</p> <p>1 Veritext Legal Solutions 1100 Superior Ave 2 Suite 1820 Cleveland, Ohio 44114 3 Phone: 216-523-1313 4 June 20, 2023 5 To: Sadie Turner, Esq. 6 Case Name: National Prescription Opiate Litigation - Track 9 (Tarrant 7 County) v. 8 Veritext Reference Number: 5925735 9 Witness: John Paul Briggs Deposition Date: 6/7/2023 10 Dear Sir/Madam: 11 12 Enclosed please find a deposition transcript. Please have the witness 13 review the transcript and note any changes or corrections on the 14 included errata sheet, indicating the page, line number, change, and 15 the reason for the change. Have the witness' signature notarized and 16 forward the completed page(s) back to us at the Production address shown 17 above, or email to production-midwest@veritext.com. 18 19 If the errata is not returned within thirty days of your receipt of 20 this letter, the reading and signing will be deemed waived. 21 Sincerely, 22 23 Production Department 24 25 NO NOTARY REQUIRED IN CA</p>	<p style="text-align: right;">Page 141</p> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS 2 3 ASSIGNMENT REFERENCE NO: 5925735 CASE NAME: National Prescription Opiate Litigation - Track 9 (Tarrant County) v. DATE OF DEPOSITION: 6/7/2023 4 WITNESS' NAME: John Paul Briggs 5 In accordance with the Rules of Civil Procedure, I have read the entire transcript of 6 my testimony or it has been read to me. 7 I have listed my changes on the attached Errata Sheet, listing page and line numbers as 8 well as the reason(s) for the change(s). 9 I request that these changes be entered as part of the record of my testimony. 10 I have executed the Errata Sheet, as well 11 as this Certificate, and request and authorize that both be appended to the transcript of my 12 testimony and be incorporated therein. 13 14 Date <u>John Paul Briggs</u> Sworn to and subscribed before me, a 15 Notary Public in and for the State and County, the referenced witness did personally appear 16 and acknowledge that: 17 They have read the transcript; 18 They have listed all of their corrections in the appended Errata Sheet; 19 They signed the foregoing Sworn Statement; and 20 Their execution of this Statement is of their free act and deed. 21 I have affixed my name and official seal 22 this ____ day of _____, 20____. 23 24 Notary Public 25 Commission Expiration Date</p>

<p style="text-align: right;">Page 142</p> <p>1 ERRATA SHEET 2 VERITEXT LEGAL SOLUTIONS MIDWEST 3 ASSIGNMENT NO: 5925735 4 PAGE/LINE(S) / CHANGE /REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 20 Date John Paul Briggs 21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ 22 DAY OF _____, 20_____. 23 _____ 24 Notary Public 25 _____ Commission Expiration Date</p>	